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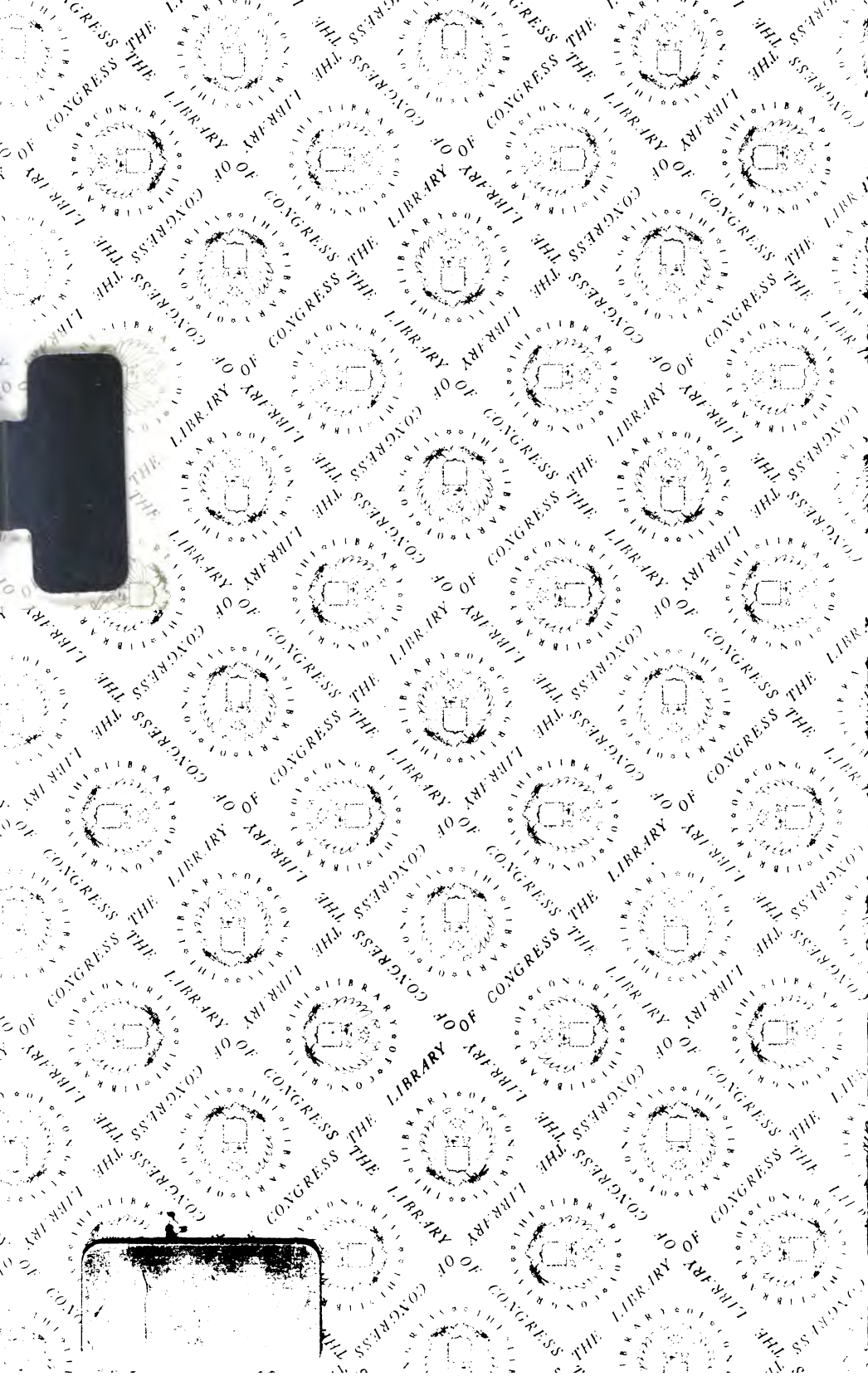
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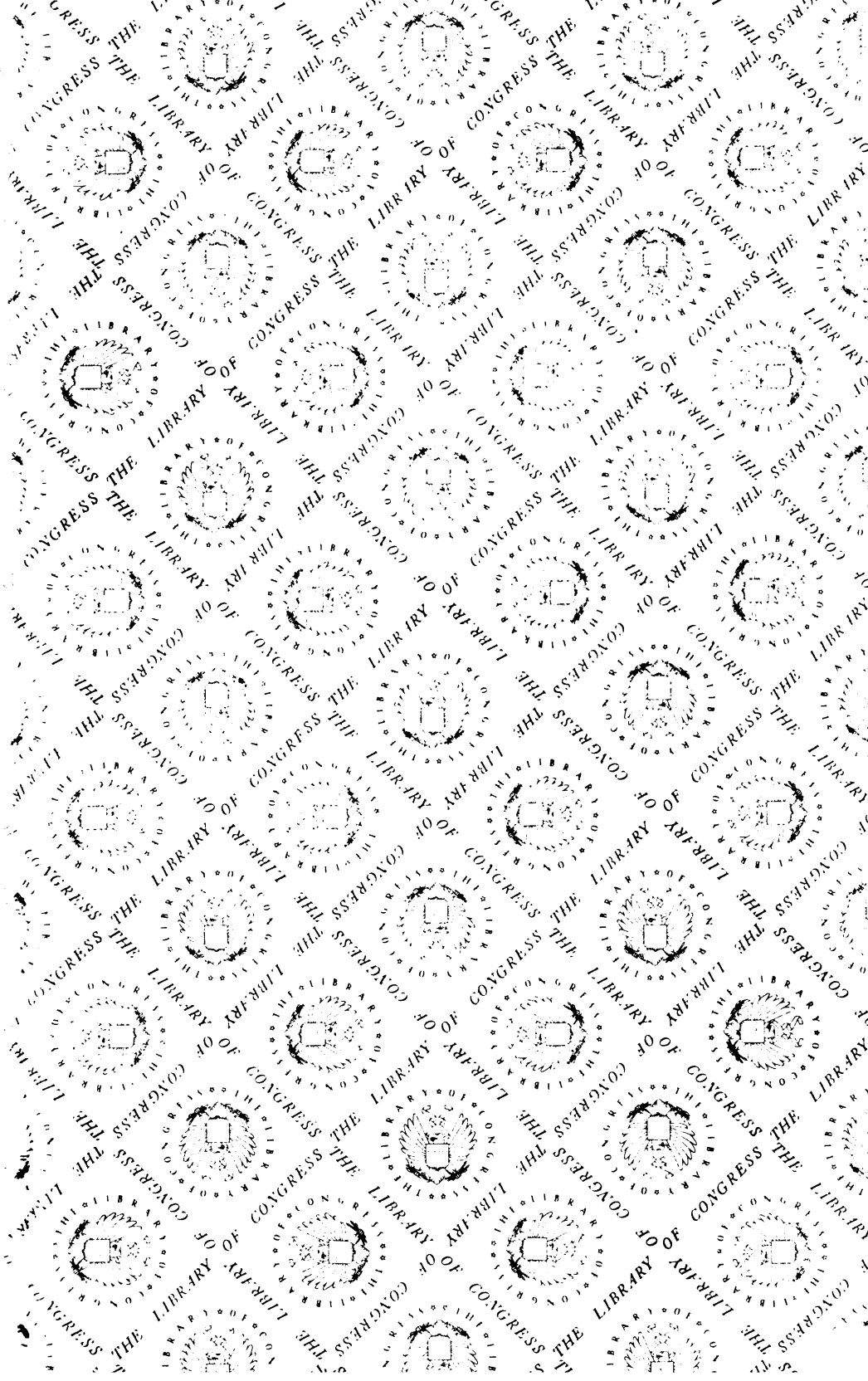
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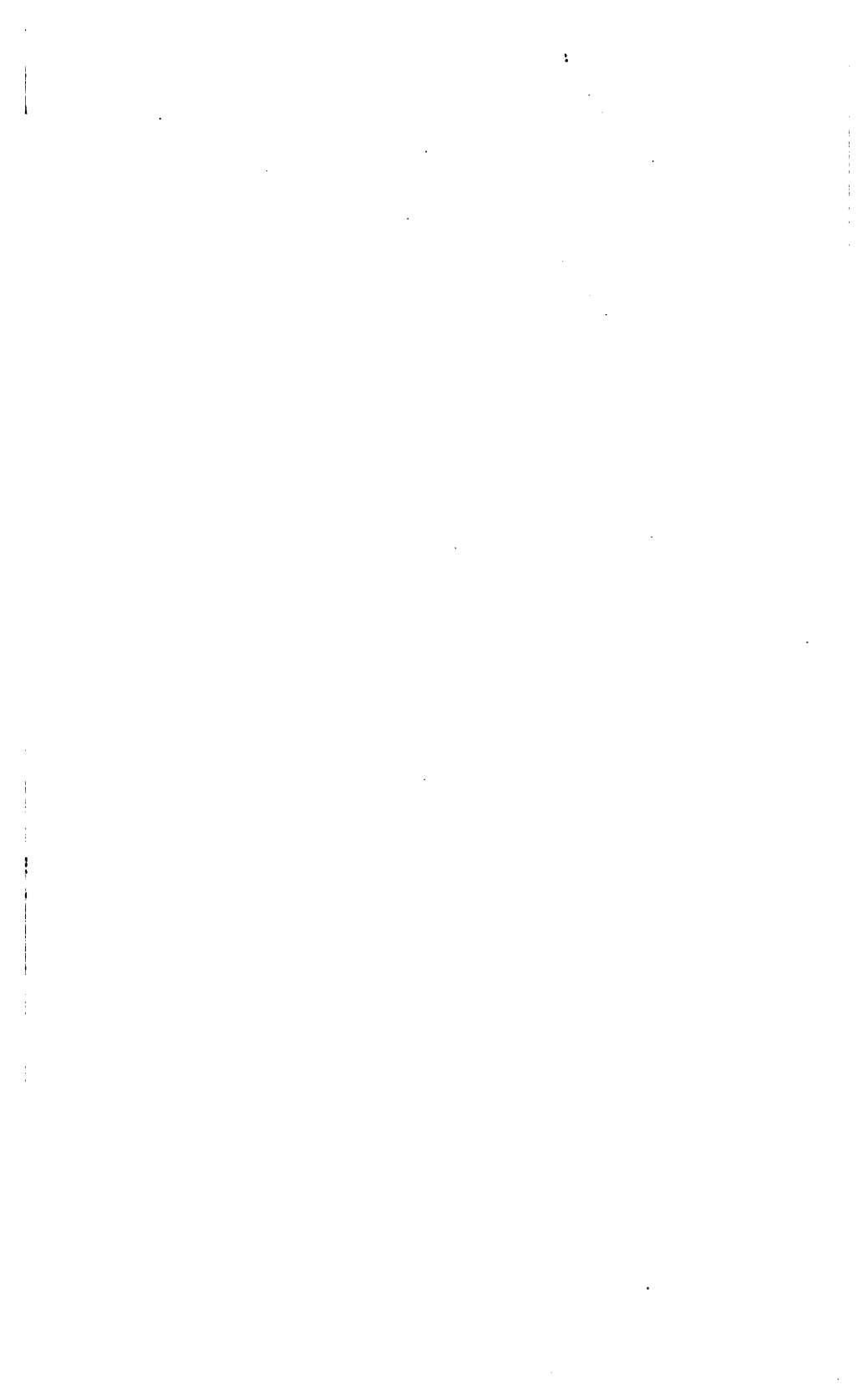
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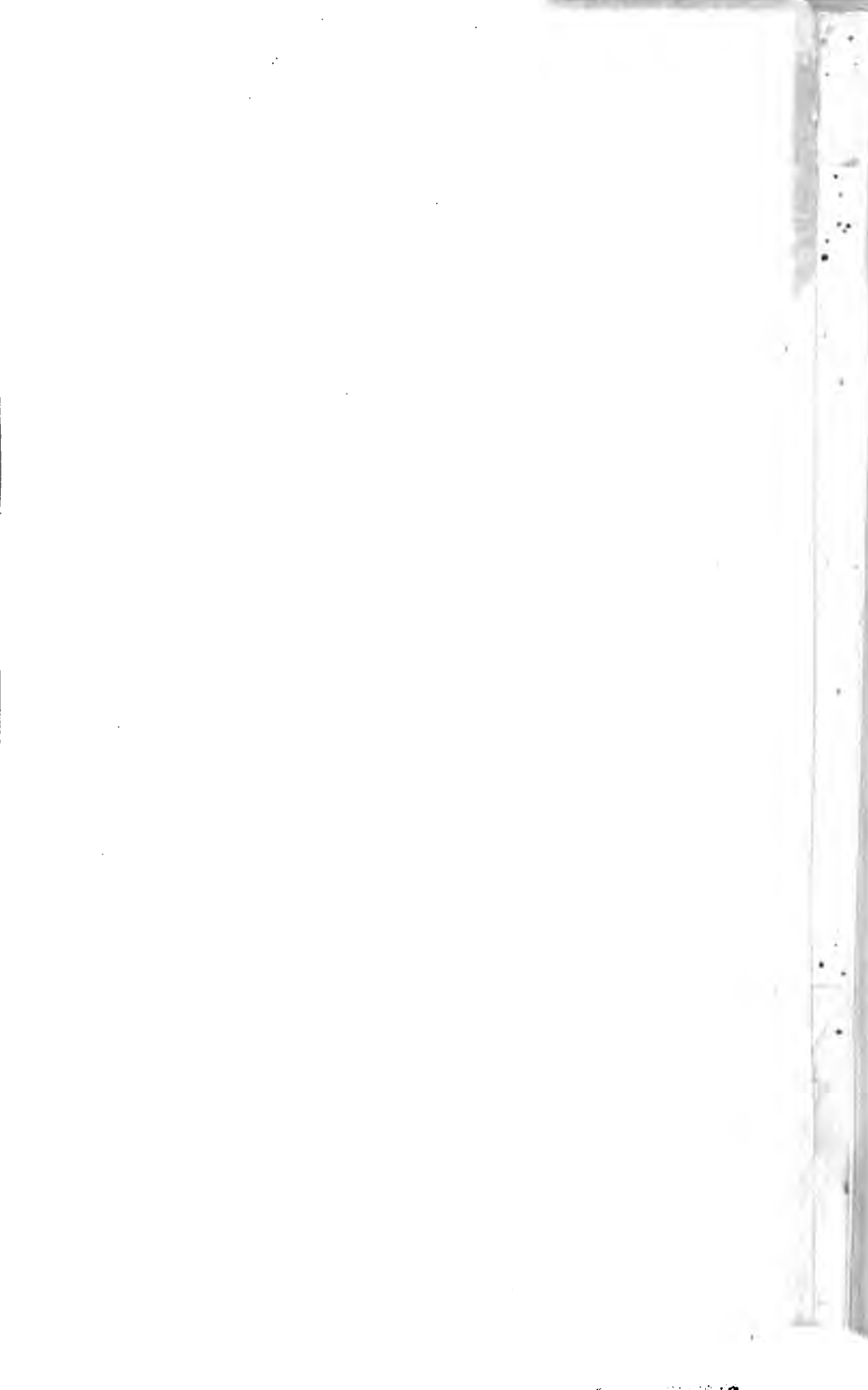
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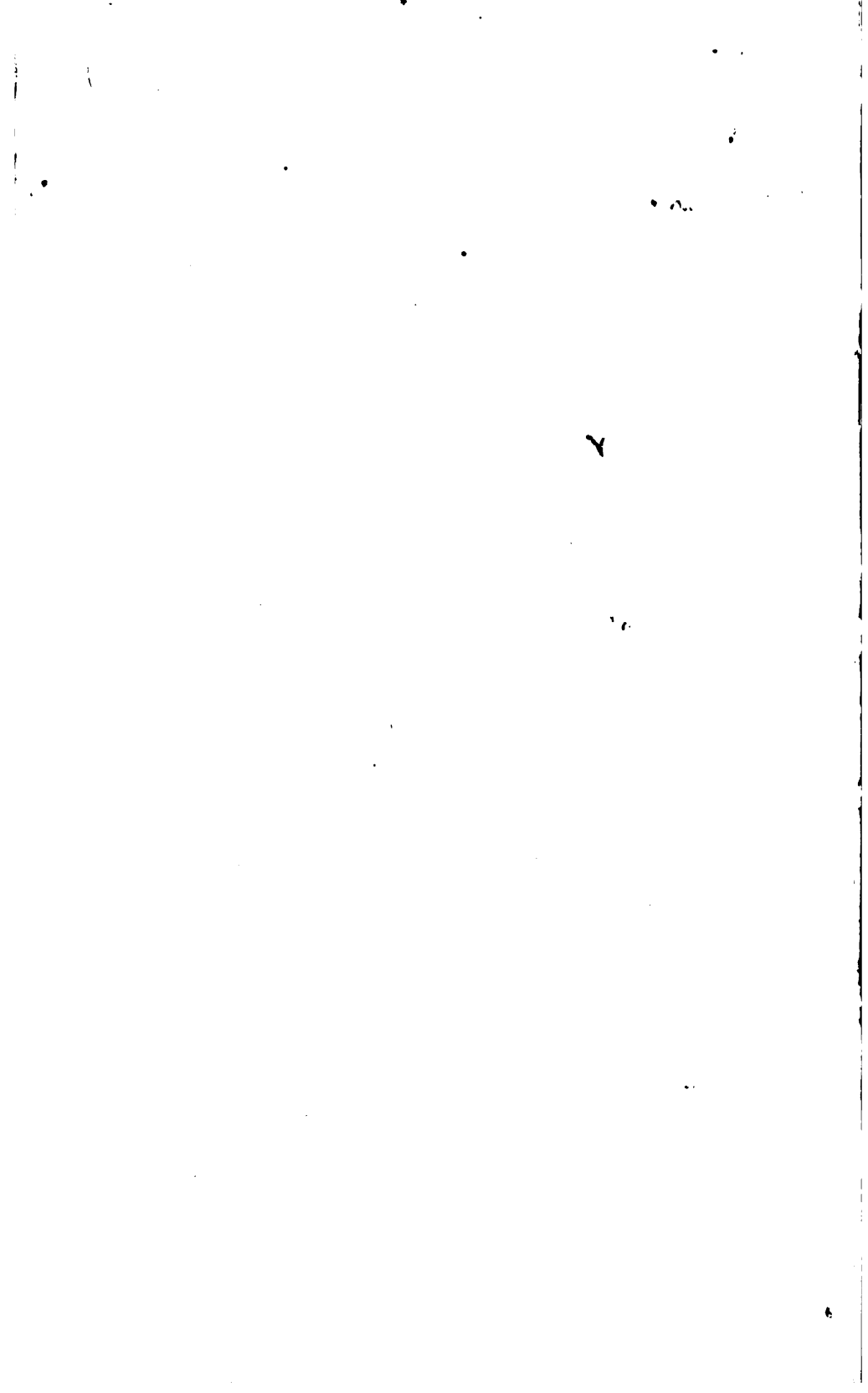
1889











L. G.

HEARINGS

BEFORE THE

COMMITTEE ON TERRITORIES

IN REGARD TO THE

✓
ADMISSION OF UTAH AS A STATE.
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WASHINGTON:
GOVERNMENT PRINTING OFFICE.

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COMMITTEE ON TERRITORIES,
Saturday, January 12, 1889.

The committee met this day for the purpose of hearing arguments in favor of and against the admission of the Territory of Utah as a State.

Mr. CAINE. Mr. Chairman and gentlemen of the committee, I take great pleasure in introducing Mr. F. S. Richards, of Salt Lake City, who will make the opening argument in behalf of the admission of the Territory of Utah. Mr. Richards is a native-born citizen of Utah and thoroughly posted in everything pertaining to that Territory, and is chairman of the delegation sent from the constitutional convention. I bespeak for him your favorable consideration.

ARGUMENT OF F. S. RICHARDS.

Mr. Richards spoke as follows :

Mr. Chairman and gentlemen of the committee, as a delegate from the Constitutional Convention of the Territory of Utah, held in July, 1887, I appear before you to-day for the purpose of stating some of the reasons why Utah should be admitted into the Union. This is the fifth time that the majority of the people of that Territory have appeared at the bar of Congress and petitioned for admission as a State. At first we were told that our numbers were insufficient, and that we were without the self-sustaining qualifications requisite for a sovereign community, and so we were relegated, by the organic act of Utah, to a condition of Territorial tutelage, until we should gain the strength and experience to fit us for the higher sphere of statehood. But in our later applications for admission it has been conceded, again and again, that we have obtained all that was lacking in the beginning, in the way of numbers and resources, and yet our prayers have not availed to give us membership in the great family of States. I shall endeavor, in the remarks which I make on this occasion, to show that the withholding of this sacred boon is an act of great injustice to a patient, patriotic, industrious, and law-abiding people.

And at the outset of my remarks I desire to remind you of a few pertinent facts which history has recorded, in undying characters, upon the annals of the Republic. On the 24th day of July, 1847, when the Mormon pioneers entered the Great Salt Lake Valley, all that part of our great nation lying west of the Missouri River was an uninhabited wilderness—a barren desert. These brave men and courageous women blazed the way across prairies, over mountains, and through rugged defiles, which have since become the highway of nations, from the Atlantic to the Pacific. They opened up this new country and demonstrated that human existence could be maintained in the midst of ruthless savages, ferocious animals, and deadly insects. By a system of irrigation for which they had no precedent, they succeeded in transforming the scene of barren desolation which met their gaze as they emerged from

the deep cañons of the Wasatch into an earthly paradise. Through following their example and partaking of their indomitable courage, other colonies have been formed and other commonwealths created, until to day we point with pride to five great States and eight populous Territories that have been carved out of the inhospitable wilderness of 1847. So that the Mormons have not only been the pioneers of the inter-mountain region, but the pioneers of the great West, that part of our nation which bids fair to become a controlling factor in the destiny of the Republic.

Nor were these people, who braved the dangers of the wilderness and the hardships of the desert, wanting in patriotic devotion and allegiance to the country which gave them birth. Although driven from their homes in Missouri and Illinois because of their religious beliefs and practices, they could not quench the thirst for liberty which they had inherited as a sacred birthright from their patriot fathers, who had gained undying fame and won immortal laurels in the service of their country during the Revolutionary war and the struggle with Great Britain in 1812. So strong in them was this love of country, that it prompted, as one of their first acts on reaching the valley—then Mexican soil—the unfurling of the glorious Stars and Stripes on Ensign Peak, as they poured forth their songs of joy and prayers of gratitude for the divine guidance and preservation which had carried them safely through their perilous journey in the wilderness. At this time five hundred of their brethren were regularly enlisted in the service of the United States and were taking an active part in the war with Mexico. At a later date some of these very men became the first discoverers of gold in California, and from them went forth the clarion note which drew a stream of wealth-seeking humanity across the continent in 1849 and 1850.

I trust that you will excuse me, gentlemen of the committee, for detaining you with this brief historical recital. My purpose in so doing has been to show what kind of men our fathers were, and to assure you that the fire of liberty which burned in their souls has been transmitted to their children. I was born in Salt Lake City, and Utah has always been my home. My great-grandfather was a Revolutionary soldier, my grandfather served in the war of 1812, and one of my father's brothers lost his life in the war with Mexico. Will it be said that I have no claim on the sacred heritage of liberty for which these men fought and bled? I mention my own case because it is like that of thousands of young men in Utah, whose mouth-piece I am on this occasion. We love the glorious institutions of what we believe to be the only government on earth founded on divine inspiration, and it is repugnant to every impulse of our natures to remain in Territorial vassalage when we know that we are entitled to the rights of freemen. It is for the purpose of convincing you, gentlemen, that we are so entitled that I now appear before the committee.

The area of Utah is 84,970 square miles. It consists of a series of valleys nearly surrounded by rugged mountain ranges and scantily watered by streams formed from the melting snows on the lofty summits. The arable land is limited chiefly to spots capable of irrigation. There are ranges, however, where cattle and sheep roam and multiply, and the sparsely timbered mountains are treasure-houses of mineral wealth.

The population of Utah is estimated by the governor, in his official report, to be about 210,000. That this is not an exaggeration appears from the fact that the census of 1880 gave Utah a population of 143,963, and the increase during the past eight years has been steady and rapid. It is a stable and self-sustaining population, not a community of tran-

sients. The great body of the people have settled there to stay, and most of them own the lands they till and the houses they dwell in. Their thrift, industry, temperance, and peaceable disposition have become proverbial, and the comparative absence among them of the vices common throughout Christendom is almost universally conceded.

Besides producing all the cereals and grasses of ordinary agriculture, they raise the vegetables of both, the temperate and semi-tropical climes and fruits of remarkable size and flavor, large quantities of which are annually exported. The wool crop is from 7,000,000 to 10,000,000 pounds a year. The value of live-stock is not less than \$30,000,000. The gold, silver, copper, and lead output for seventeen years, at their mint and sea-board value, aggregates \$134,992,630, and for the year 1888 was \$10,993,781. Utah has many flourishing industries, including flour mills, woolen mills, paper mills, saw mills, planing mills; boot, shoe, hat, silk, clothing, brush, broom, sash, and molding factories; glass, soap, glue, furniture, iron, and smelting works; potteries, foundries, machine-shops, brick-yards, lime-kilns, etc. Its banking and mercantile institutions are noted for their stability and integrity, and their credit in the world of commerce is unimpeached. All the ordinary trades and professions find ample and remunerative opportunities, and art, science, literature, music, and the drama are cultivated and encouraged. The telegraph, the telephone, the electric light, and other modern improvements are in extensive use. Immense iron and coal deposits have been opened and only await the coming of capital to add their vast riches to the ever-increasing store of this prolific region, which abounds in all the minerals except tin, and has greater and more varied resources than any of the surrounding States and Territories.

In addition to rich mines of gold, silver, lead, and copper, there are mountains of salt, various colored marbles, granite, limestone, sandstone, and other fine building stones, also asphaltum, ozocerite, petroleum, gypsum, sulphur, ochers, antimony, manganese, etc.

The assessed property valuation, exclusive of mines which are untaxed, is \$46,379,073, but the actual valuation is over \$250,000,000, as attested by the boards of equalization. The assessment is not over a third of the actual value of the property listed, and the untaxed mineral wealth is enormous. The Territory has no public debt, except bonds for \$150,000, recently issued, at 5 per cent. interest, for the establishment of educational and charitable institutions.

There are 1,343 miles of railroad in the Territory, as reported in Poor's Manual, a leading authority, valued thereby, with equipments, at \$44,456,737, or nearly the whole amount of the assessment on all the property in the Territory. The real estate is worth not less than \$110,000,000, large amounts of money are invested in financial and commercial undertakings, and the wealth of the Territory is increasing at an astonishing ratio.

Education in Utah has been diligently fostered and promoted. The public-school system, so much misrepresented, has proven so efficient that the ratio of illiteracy is lower than in most of the States. The Territory is divided into school districts, in each of which three trustees, who regulate school affairs, are elected by the qualified voters. A Territorial tax equal to the tax for general purposes, namely, 3 mills on the dollar, is assessed for the payment of school teachers. A local tax is assessed by the trustees of one-fourth of 1 per cent. in each school district, and a local-option tax, not to exceed 2 per cent., may be assessed by the resident tax-payers in each district for any school purposes. A superintendent of schools is elected for each county and

there is a Territorial commissioner to supervise the whole, who is paid out of the Territorial treasury. The district schools are entirely secular and are open to all classes. No denominational tenets are taught therein, and the text-books are those in common use throughout the country. There are about 500 district schools in Utah, with 34,500 pupils enrolled, and the value of school property is about \$520,000. The various religious sects have their schools and academies, supported chiefly by contributions obtained from benevolent persons in the Eastern States, and the Mormon Church has several scholastic establishments entirely disconnected from the public-school system. The University of Deseret is an educational institution of a high grade, supported from Territorial appropriations, and is non-sectarian in character.

Every indication points to the speedy growth in Utah of a populous and magnificent Commonwealth, that will prove a source of richness to the nation and of added glory to this great Government. Every requisite to the structure of a grand and prosperous State is to be found in this, the oldest of the Territories, which has pleaded for statehood from its beginning, forty odd years ago. All that is needed now for her development and full growth into the proportions and prosperity promised by her immense and diversified resources is a stable government, republican in form, which will give that assurance of safety which capital demands, and will settle forever the agitations which have deterred its more extensive investment. Statehood is the great essential to this settlement and that assurance, and Utah can never expand into the proper measure of her power and dignity while hampered with the swaddling clothes of Territorial infancy.

The claims of Utah to the rights and privileges of statehood are indisputable, and have never been denied, except for two reasons. When seeking admission on former occasions her delegates have received for answer from gentlemen of both parties: "Provide in your constitution against the practice of polygamy, and there can be no possible objection to your admission." This demand has been complied with. At a constitutional convention, held in Salt Lake City July 7, 1887, composed of delegates chosen at mass meetings held in the several counties, to which citizens of all political parties were invited, a constitution was framed which contained the following provisions:

ARTICLE XV.

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisoned for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

The article providing for amendments to the constitution limits the general power to amend by the following proviso:

Provided, That section 12 of Article XV shall not be amended, revised, or in any way changed, until any amendment, revision, or change, as proposed therein, shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed, said section shall remain perpetual.

This constitution was ratified at the polls at the general election, August 1, 1887. The delegates who framed the constitution, and all

the voters who ratified it, had previously taken the following oath, as provided in the act of Congress of March 3, 1887:

You and each of you do solemnly swear that you are a citizen of the United States and of the Territory of Utah; that you will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," and will also obey the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,'" approved March 22, 1882, in respect of the crimes in said act defined and forbidden, and that you will not directly or indirectly aid, abet, counsel, or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication, and that you will observe the laws of the Territory of Utah. So help you God.

These voters represented the great body of the people of Utah. *They were not polygamists.* They had no intention of becoming polygamists. The polygamists, forming less than 1 per cent of the population, have been disfranchised since March 22, 1882. They take no part in practical politics. It is the monogamic people of the Territory, the vast majority, who ask for their political rights and have proposed to prohibit and punish polygamy if Utah is clothed with the powers of statehood. There is nothing in their religious belief which forbids or would in any way hinder them from carrying into effect this prohibition. And they protest against the injustice of a denial of their political liberties because of the past acts of a few individuals not of their class.

As evidence of their good faith and intentions in this regard, I point to the act of the Utah legislature of March 8, 1888, copies of which, with resolutions adopted by the same body, are presented to this committee. This act is a stringent marriage law, and supplements the legislation of Congress with heavy penalties against any person who solemnizes a polygamous or other unlawful marriage. The resolutions indorse the acts of Congress against polygamy, and recommend their proper enforcement. If it be said that the constitutional provision against polygamy is *in futuro* and may not be executed, we reply that this Territorial statute is proof of good faith, for it is now in force.

President Cleveland has informed the Congress and the country, in his recent message, that polygamy is practically a thing of the past in Utah. All the evidences go to establish this as a fact. There have been no convictions for polygamy for a long time. The Federal judges and other officials admit this to be a fact. The cases that are being prosecuted and have been heralded to the country for two or three years past are not for newly contracted polygamous marriages, but for "unlawful cohabitation;" that is, the association of men with plural wives whom they married many years ago. Under the peculiar construction of the statute by the Utah courts, association that would be perfectly innocent, if the parties did not claim the marriage relationship, is deemed a violation of the law, although there may be no actual cohabitation or living together. That is to say, if a man claims a woman as his plural wife, and supports her, any kind of association between them has been deemed unlawful. It is this species of prosecutions which keeps up the appearance of a perpetuation of polygamy in Utah. The relation between a Mormon and his wife, or wives, is viewed by the parties as eternal. Even if the man does not live with his plural wife he is in duty bound to support her and her children, as the bond between them is of a religious character. What can these men do with the women whom they conscientiously regard before Heaven as their wives for time and eternity? They can not eat them, like the New Zealand

convert to Christianity. Nor are they willing to promise to obey the law under its present remarkable construction. Yet it is these cases, in which the parties are chiefly elderly persons, and have in many instances contracted their polygamous relations before there was a law of the land forbidding polygamy, that are being cited by the opponents of statehood for Utah as proofs that polygamy is still a living issue.

Recently there has been a more rational and humane policy in the punishment of this offense than prevailed formerly in the courts of Utah. The unprecedented construction of the law remains, however, having been established by the supreme court of the Territory. The surrender of defendants, who voluntarily come into court and plead guilty, is taken as evidence of submission to the law in two of the judicial districts, and a comparatively light fine and term of imprisonment are imposed for the first offense. This is having a very salutary effect, and a rational and ordinary construction of the law would soon regulate the prosecutions for polygamous cohabitation to the inconspicuous category of uncommon offenses. For, as a matter of fact, even this lesser offense against the law, "cohabitation with more than one woman," is now very rare. So that virtually *the polygamous status is all that remains*. Men who hold that status do not live with their plural wives for obvious reasons, and in many cases the death of either the husband or one of the wives is reducing the number of persons in that relation almost every week.

Polygamy, then—that is, the marrying of more wives—can not be shown to have a present existence in Utah, nor to be now even as frequent as bigamous cases in other parts of the country. There is positively no proof whatever of newly contracted polygamous marriages. This statement is confirmed by the testimony of Judge Carlton and General McClermand, of the Utah Commission, and has recently been indorsed by Judge Judd.

The special report of the Attorney-General to Congress shows that there have been only ten convictions for polygamy since the passage of the Edmunds act of March 22, 1882, and for unlawful cohabitation five hundred convictions. When it is remembered that in addition to the ordinary facilities for criminal prosecution the Government possesses the extraordinary powers conferred by acts of Congress, to exclude from the jury every person shown to have any belief in polygamy or sympathy with the defendant; to attach witnesses without a previous subpoena and compel their immediate attendance; to permit the legal wife to testify against her husband; to compel the attendance and testimony of the alleged plural wife, the children, and neighbors of the defendant; to employ a horde of marshals, possessing all the powers of peace officers, to detect, obtain evidence against, and arrest violators of the anti-polygamy laws, and who are spurred on to extra diligence by liberal fees and backed by a strong but uninformed public sentiment which justifies any extremes against a polygamous subject; is it not conclusively evident that these statistics are a full showing of the proportions of the polygamous conditions now existing in Utah? Is it not almost impossible under these extraordinary provisions and powers that an offender should escape? And with these figures, as the result of six years' diligent and relentless prosecutions, how can the reckless statements of our opponents that are made concerning the prevalence of polygamy in Utah be considered anything less than monstrous exaggerations or willful perversions of the truth?

The other objection is, that in Utah the church and the state are united or that a "hierarchy" dominates civil affairs. No evidence is

offered in support of this objection, except that the Mormon people usually vote the same ticket, and that the efforts of the opposition to break this political unity are practically futile. The weakness of the inference that this union is the result of priestly coercion is exhibited in the fact that the minority, who make the complaint, are also compactly united against the majority. They sink the common differences of party politics to join in a concerted attack on a majority they wish to divide. But failing to break the ranks of the enemy, they resort to misrepresentation, and strive to destroy the very liberty of which they are the pretended champions. They would have Utah governed by a legislative commission and strike the ballot from the hands which will not support their measures and their candidates.

The governor joins in this false and foolish cry of a union of church and state, and officially makes a number of assertions, but offers not a particle of proof. The only fact he cites to show that the church exercises ecclesiastical influence in secular affairs is no evidence of the church absolutism in politics which he charges, and is itself so palpably incorrect that its utterance is almost unpardonable in a public officer. He states that the articles of incorporation of Zion's Co-operative Mercantile Institution "provide, as a condition to become a stockholder, membership in the Church of Jesus Christ of Latter-Day Saints. There is no such provision, the articles themselves being the witness, and it is well known that prominent Gentiles residing in Salt Lake City were, at the time the governor made this report to the Secretary of the Interior, stockholders in that institution. In proof of this fact I submit the following affidavit of Thomas G. Webber, its superintendent, secretary, and treasurer:

TERRITORY OF UTAH,
Salt Lake County, ss :

Thomas G. Webber, of the city of Salt Lake, in the said county, being duly sworn, on his oath says that he is the secretary and treasurer of Zion's Co-operative Mercantile Institution, a corporation organized under the laws of Utah Territory and having its principal place of business in the city and county aforesaid; that he has been associated with the institution above named as the secretary and treasurer thereof for eighteen years, and as such has had, and continues to have, charge of its records, books, and papers, and is thoroughly conversant with its affairs; that the assertion, which is found on page 22 of the "Report of the Governor of Utah to the Secretary of the Interior, 1888," printed at the Government Printing Office, and hereunto appended, marked Exhibit A, and made a part hereof, and which assertion is as follows: "Its articles of incorporation (referring to Zion's Co-operative Mercantile Institution) provide, as a condition to become a stockholder, membership in the Church of Jesus Christ of Latter-Day Saints," is wholly untrue; that there is no provision in the articles of incorporation or in the by-laws of the aforesaid institution in any manner, either directly or indirectly, limiting the right to hold the stock certificates thereof to members of the Church of Jesus Christ of Latter-Day Saints, or prescribing membership in said church as a prerequisite to the holding of office in said corporation. A certified copy of the articles of incorporation and of the by-laws of said corporation are hereunto appended, marked Exhibit B, and made a part hereof.

And affiant further alleges that the stock ledger of the aforesaid institution shows the following-named persons to be stockholders therein, in the amounts respectively set opposite their names, to wit:

| | |
|-------------------------|---------|
| W. S. McCormick | \$6,600 |
| Henry Mayenbaum | 8,600 |
| Mrs. Frank Fuller | 2,200 |
| Thomas A. Tennant | 10,700 |
| James Murdock | 1,300 |

And affiant further alleges that the stock ledger of said institution shows that the said W. S. McCormick has been a stockholder therein to the amount of \$16,600, and that one Boliver Roberts, the nominee of Governor West for Territorial auditor—

Governor WEST. Roberts is treasurer.

Mr. RICHARDS. Thank you for the correction.

was in 1886 a stockholder therein to the amount of \$5,000. And affiant further alleges, upon information and belief, that none of the individuals named are members of the Church of Jesus Christ of Latter-Day Saints.

And affiant further alleges, upon information and belief, that there are other stockholders of said corporation who are not members of the aforesaid church; and further saith not.

THOMAS G. WEBBER.

Sworn to and subscribed before me this second day of January, 1889.
[NOTARIAL SEAL.]

MELVIN E. CUMMINGS,
Notary Public.

This affidavit effectually disposes of the governor's assertion on that matter, and this is the only scrap of evidence he offers in proof of the fallacy that the church rules in civil affairs. But the governor was just as incorrect in his statement that the church "constructed and operated gas-works," as witness the annexed statement of Thomas W. Ellerbeck, superintendent of the only gas-works in the Territory:

OFFICE OF THE SALT LAKE CITY GAS COMPANY,
32 East First South Street, City.

To the editor of the Herald:

Governor West, in this year's annual report to his superior officer at Washington, states in effect that the Mormon Church "built and operated the Salt Lake City Gas-works." Please oblige me by publishing this denial.

This company was duly incorporated May 25, 1872, under the laws of this Territory, by myself, Thomas J. Almy (a gentleman well and favorably known to business men of Salt Lake), and some others, but the church never subscribed for and never furnished a single dollar towards building the gas-works, and never interfered or attempted to interfere or to direct the company during their construction or since.

Long after the works had been in successful operation the church received by donation and otherwise acquired in all nearly one-third of the gas-company's stock, but never interfered or attempted to direct the management. The church never owned but a minority representation; *ergo*, the church, never having held a controlling interest, never "operated the gas-works."

Yours, truly,

T. W. ELLERBECK,
Secretary and Superintendent Salt Lake City Gas Company.

Mr. WARNER. Just one question. I am informed by this that the church received nearly one-third of the stock of the gas works?

Mr. RICHARDS. Yes, sir.

Mr. BAKER. In its corporate capacity?

Mr. RICHARDS. The corporation received it.

Mr. WARNER. I understood your statement to be that it was by donation.

Mr. RICHARDS. "By donation and otherwise," is the language of the statement I have just read.

Mr. WARNER. How much by donation? I could not hear as to that.

Mr. RICHARDS. I have no means of knowing.

Mr. WARNER. Was that a donation from the people?

Mr. RICHARDS. A donation from private individuals, I suppose.

Mr. BAKER. What proportion of the remainder of the stock was owned by members and officers of the church?

Mr. RICHARDS. I have no means of knowing that.

Mr. WARNER. Just one question further. I hold a copy of the by-laws here, and I presume you are familiar with the names. On page 7, containing the names of the original incorporators, are they all members of the Mormon Church? I do not know, however, if that is material.

Mr. RICHARDS. I do not know them all. Some of them are not now living.

Governor WEST. Allow me a question; this is not the original organization of the Z. C. M. I.?

Mr. RICHARDS. Yes, sir; these are the original articles of incorporation printed.

Governor WEST. I do not mean the articles, I mean the institution of the Z. C. M. I. Do you mean it is simply the original paper of the incorporation filed in the probate court?

Mr. RICHARDS. These are the original articles of incorporation of Z. C. M. I.

Governor WEST. Was not the Z. C. M. I. in operation previous to that time as a business institution?

Mr. RICHARDS. I think not, although it may have been. A number of individuals named in the articles had mercantile establishments in Salt Lake City, but my impression now is that the institution was incorporated before it commenced business. At any rate, in your report you speak of the "articles of incorporation," and this is a certified copy of the original and only articles of incorporation Z. C. M. I. ever had. The amendments are marked in red ink.

The governor further states, concerning the so-called hierarchy: "Every trade, business, industrial pursuit, and profession has and must contribute to it. It has exacted from the Mormon people by way of tithing millions of money." The truth is that no person who is not a member of the church has been requested to contribute in any way to its support, even public collections being conspicuously absent in Mormon services. Men of all trades and professions ply their vocations freely and make money rapidly in Utah, without being interfered with in any way by the Mormon Church, or being expected, required, or even solicited, to bestow a cent to sustain it. And it is equally untrue that the church "exact" from the Mormon people anything by way of tithing.

Mr. BAKER. Is it one of the obligations of membership that they pay tithes?

Mr. RICHARDS. No, sir; it is not made an obligation of membership. There are thousands of men in the Mormon Church to-day who never pay a dollar of tithes.

It is a voluntary donation, the amount of which is determined by the giver. Some pay the tenth of their annual income, others much less, some but a trifle, and others nothing at all. The governor, like many persons who believe what they are told, without inquiring of those who know, speaks of things he does not understand, and therefore falls into egregious errors. He says:

This priesthood not only rules the church but governs the State.

The truth is that most of the male members are a part of the priesthood of which he speaks, and that the church is ruled by "common consent," which is one of its fundamental principles. Every member, male and female, has a vote in all general church matters and no church officer is qualified to act without the vote of the people among whom he is to officiate. So much for this absolutism in the church, which is really the most democratic ecclesiastical organization in the world. The affairs of state, if such they may be called in a Territory, are conducted as elsewhere, except that the governor holds the absolute veto, and is the embodiment and representative of the greatest absolutism in the United States. But not satisfied with this unusual one-man power he desires, and has modestly asked for, the power to appoint those petty officers in the counties and precincts of Utah who are now elected by the people.

There is not the slightest proof or even evidence that the church exercises political control. The people meet in their primaries, elect their delegates to conventions, frame their tickets, and try to elect their candidates as elsewhere, except that every citizen is free, and there is no bulldozing or coercion of any kind, and elections are conducted quietly and without disorder. The whole election machinery is in the hands of persons appointed by the Utah Commission, and has been since March 22, 1882. But the majority of the voters will not support their traducers and villifiers, and hence the outcry against them.

The complete refutation of the cry of priestly influence at the polls is in the perfectly secret ballot provided for by the Utah legislature. The county courts furnish envelopes of uniform color and size, on which there must be no mark or device of any kind whatever. The voter must bring his ballot neatly folded, the judge of election hands him an envelope into which he places his ballot and seals it up. If his name appears on the registration list, which shows that he has taken the anti-polygamy test oath, his envelope is placed in the ballot-box. If more than one ballot is found in the envelope when the count is made, the whole contents of the envelope must be rejected; so, if any mark is found on the envelope. As no one can tell how a man votes, it is difficult to perceive how he can be coerced in his voting.

Indeed, the governor, after making his extraordinary and groundless assertions about the absolutism of the hierarchy in church and state, makes this remarkable admission, which no truthful person will attempt to dispute:

With polygamy out, I make the statement and challenge successful contradiction, that there is no tenet, ceremony, practice, observance, or rite inculcated or taught of a religious nature by the Mormon Church that the law has been or is invoked against. The Mormon Church as a religious factor is, under the law, upon the same footing as every other religious body or denomination in the land, with equal rights and privileges, no more, no less, and it should be left so, without interference. I shall not arraign the Mormon people as wanting in comparison with other people in religious devotion, virtue, honesty, sobriety, industry, and the graces and qualities that adorn, beautify, and bless life.

Out of his own mouth Governor West thus refutes his own unguarded statements. And I must confess surprise, gentlemen of the committee, that, after making the admissions I have just read to you from his official report, the gentleman should come here with the avowed purpose of opposing the admission of Utah, and of working for the appointment of a legislative commission, associated with the governor, to appoint all the officers in the Territory, and thus establish an autocracy, with himself as dictator. Also that he should work, through press reporters, to prejudice our cause before this committee and the country by such statements as these, which appear in the *New York Herald* of January 9, 1889:

[By telegraph to the Herald.]

HERALD BUREAU,
CORNER FIFTEENTH AND G STREETS N. W.,
Washington, January 8, 1889.

Mr. C. W. West, who was appointed governor of Utah by President Cleveland, arrived in Washington on Sunday night. He intends to appear before the House Committee on Territories on Wednesday to oppose the admission of Utah as a State. This sentiment, he says, is shared by nearly every non-Mormon or Gentile in the Territory. Governor West places his objection on the broad ground that the Mormons are unfitted to exercise the rights of American citizenship.

"Of the 220,000 people within the limits of the Territory," he continued, "four-fifths are Mormons. They are ruled practically by a one-man power. They do as they are bidden. They obey the demands of the church without a murmur. They pay one-tenth of their earnings, from whatever source they may come, to the church.

Their first president, who is seer, prophet, and revelator, is supposed to receive his instructions from on high, and his utterances are accepted as the word of God. To give these people the sovereign rights it is proposed to bestow upon them would be to place every non-Mormon in Utah completely at their mercy.

"Under a Territorial form of government we are protected by Congress and the Executive. Confer the right of statehood upon Utah, and the Mormons would frame a constitution and laws so unjust and arbitrary in their character that an outsider could not live among them. Hence, I say all the non-Mormons in the Territory, without regard to parties, oppose the proposition of statehood."

"What do you propose as a substitute?" Governor West was asked.

"I favor leaving it a Territory, but so amending the law as to greatly abridge the power of the church. A Territorial commission acting in conjunction with a governor, which would control all appointments, would answer our purpose exactly. By this means we could break down the power of the church, and Utah would enter upon an era of prosperity such as no other Territory has ever known. When I speak of breaking down the power of the church, I must not be understood as opposing their religion *per se*. It is the church we are fighting.

THE ECCLESIASTICAL MACHINE.

"The church is a huge political machine, which is virtually controlled by one man, or at least one man with whom are associated twelve others known as apostles. These people rule as despotically as the Czar of Russia. You see, do you not, what a power they possess and how unjustly they might use it, if once the Territory were admitted as a State, for then neither Congress nor the Executive would have the right to interfere. The Mormons have a theory that the greatest of human institutions is a theodemocracy. Ask them what a theodemocracy means and they answer: 'When God speaks, the people say amen!' According to their doctrine, God speaks through their first president, as he is called. Whatever he says or does is right, and the people with one acclamation shout, amen!"

"Are not the Mormons in sympathy with the principles of the Democratic party?"

"The Mormons have no political convictions. They affiliate with the party which is the most useful to them, whether it be the Republican or the Democratic party."

These assertions are as untrue as those in his official report, which I have here refuted; and I think it is neither brave nor manly to add to the slanders about the people whose interests he should strive to sustain these additional misrepresentations through the public journals. It is scarcely dignified or praiseworthy to pander to popular errors and prejudices and to resist the efforts of the people of Utah to gain their political freedom by grossly and gratuitously assailing their religion and their character.

The whole Mormon theory of religion is based upon the free agency of man and his accountability to the Supreme Being because of that freedom to act for himself. Coercion is positively forbidden in the revelations given for a guide to the church, and individual development and intelligence are therein made the basis of man's future glory. The absolutism so glibly charged by its opponents is contrary to its genius and obnoxious to the letter of its discipline. It declares that the Constitution of this land was inspired of God, and commands obedience to it and to all laws made in pursuance thereof.

The State constitution, which has been presented to this Congress, provides for perfect religious toleration and forbids any union of church and state. Here are the provisions:

ARTICLE I.

Sec. 3. There shall be no union of church and state, nor shall any church dominate the state.

Sec. 4. The right to worship God according to the dictates of conscience shall never be infringed, nor shall the state make any law respecting an establishment of religion or prohibiting the free exercise thereof; nor shall any control of, or interference with, the rights of conscience be permitted. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief, or the absence thereof.

It has been asserted and believed by many intelligent persons that the Mormon Church held the title to large tracts of land in Utah, and thus obtained control of the people permitted to occupy it. This is utterly untrue. Land is and has been settled upon and the title to it obtained by individuals under the direct operation of the land laws of the United States, as on other parts of the public domain. And the suits now pending in the Supreme Court of the United States in which the property of the church, both real and personal, has been seized by the Government and is now in the hands of a receiver, demonstrate the fact that, with the exception of two pieces of real estate, the only landed property held by the church is that covered by the temple block, the tithing office, the parsonage, and the historian's office, all exempt by law from the operations of the statute under which they have been seized. Each possessor in Utah holds his land titles in his own right, and has not received or supposed to have received it in any way from the church, which has never pretended to have any claim upon it.

It is charged that perhaps after the State was admitted into the Union the Mormons, having obtained political control, would change the State constitution and re-establish polygamy. This is a mere conjecture, without any fact or reason to rest upon. As the Mormons never attempted to legalize polygamy when in full control of the Territory in all the departments of local government, when there was no law of Congress forbidding that practice, and when polygamists were eligible to office and were prominent in public affairs, the pretended danger of a possible establishment of polygamy by monogamists is grotesque in its absurdity, and is no more substantial than the shadow of a tattered scarecrow. All their material advantages and prospects are against the supposition. And the power still in the hands of the Congress and the country to assume control over this practice, by an amendment to the Federal Constitution, would forbid such a useless step if it were even desired or contemplated.

There is no ground for the similar suggestion that Gentile life and property would be in danger if the State of Utah should be in the hands of a Mormon majority. As under the laws of the Territory, so under the laws of the State, would their lives and property have equal protection with those of the Mormons. There have always been Gentile residents in Utah since the Territory has had sufficient inhabitants to make business profitable. They opened stores in early times and made considerable fortunes. They have never been molested. The dime-novel stories that have been circulated concerning Mormon atrocities are pure invention. The men who make these new alarms indulge in the same kind of extravagances and flights of vain imagination. Tolerance is ingrained in the Mormon theory, and has been marked and conspicuous in Mormon practice. And it is only because the minority in Utah have maligned and sought to displace or trample upon the rights of the majority that such a sharply defined antagonism between the parties has been drawn in the past.

And, gentlemen of the committee, there is the source of opposition to statehood which comes from those who protest against this movement. That is no secret. It is openly declared that unless they can gain the political control, the radical, anti-Mormon, Gentile element of Utah will fight statehood to the bitter end. They have striven at every session of Congress for many years to obtain a legislative commission for the government of the Territory, in which they expect to gain the large majority and obtain appointments to the local offices, and then, by disfranchising every Mormon, grasp that domination of affairs which

would place the lives and fortunes of the people who have transformed that whilom desert into a blossoming garden under the arbitrary rule of a small but ambitious and aspiring minority.

In making this statement I do not wish to be understood that it applies to all of the Gentiles of Utah. There are many conservative persons among them who recognize the justice of our cause, and, if left to themselves, would be willing that we should have the rights and privileges we seek.

The situation is well described by the Chicago Times, in an editorial of December 27, 1888, as follows:

The so-called Gentile population of Utah are heard from chiefly through the active politicians among their number. The Mormons have been the thrifty population of Utah. Their industry, which has changed an unpromising desert into fruitful soil, has made the wealth of the Territory. Salt Lake City is substantially their city. They control its municipal affairs as they control the legislative work of the Territory. The minority, comprehended under the general term Gentile, is not ill-treated, its rights of person and property are respected, no religious persecution is attempted, but it makes its moan as though it labored under hard condition. Its moral sense is not greatly outraged against polygamous practices, for its own class is not a stranger to vice, but it does protest against the political unification of the church, whereby it is deprived of the exercise of a power which its adventurous spirits, incapable of the close industry of Mormons, covet. The Gentile in Utah would have the Mormon disfranchised that he himself may hold, occupy, and possess the land, levying its taxes upon Mormon property and disbursing the proceeds for the benefit of the Gentile. Under the sway of political Gentiles levying upon Mormon property special assessments for streets and other improvements, Salt Lake would become a paradise for favored jobbers, such as Washington was in the palmy days of "Boss" Shepherd.

Mr. WARNER. Do you think that article reflects the sentiment and feeling of the members of the Mormon Church towards the Gentiles of Utah. Do they indorse that article, the one just read?

Mr. RICHARDS. I do not know that I understand the question.

Mr. WARNER. From your knowledge of the sentiment and opinions of the members of the Mormon Church, do they indorse the sentiments of that article?

Mr. RICHARDS. As applied to the class I am speaking of—the radical anti-Mormon class—I think they do.

Mr. WARNER. That is the class who oppose the admission of Utah as a State?

Mr. RICHARDS. Those who are at the bottom of the opposition to statehood. There are not only many conservative Gentiles who have taken no part in opposing admission, but I am satisfied that there are some who have signed the protest against admission, under misrepresentation and through coercive influences, who, if left to their own judgment and inclination, would have either remained neutral or favored the movement for statehood.

Mr. WARNER. It would apply to all who oppose the admission of Utah as a State.

Mr. RICHARDS. I could not say it applied to all such.

Mr. WARNER. Except those whom you think are coerced?

Mr. RICHARDS. I think it does apply to those who are leading the opposition, but not to the conservative class of which I have already spoken.

Gentlemen of the committee, apart from the prejudice which has been created in the country and fostered by a band of men who seek to obstruct because they can not gain control, there is nothing against the admission of Utah into the Union as a State. Shall it be said that the oldest and, save one, the most populous Territory in the United States must be arbitrarily denied a republican form of government because of a groundless prejudice? Will the statesmen of this great nation hold

back from the performance of a public duty through fear of clamor raised by the designing and echoed by the ignorant? Were it not for the dust kicked up by a faction whenever this question is considered would not every member of this committee and of this Congress see and admit that Utah is entitled to local self-government, and that all objections to it are baseless? Is it not both right and politic to settle this so-called problem in the only way by which it can be effectually settled? Why should a community of over 200,000 law-abiding people, acknowledged to possess all the qualities that constitute good citizenship, be kept in political serfdom because of a noise made over the by-gone doings of a small fractional part of the population? Are facts to be ignored and fictions to be gravely considered? Are the lives and works and virtue and fidelity of the great majority of our citizens, who have never violated the law, to count for nothing, because of the complaints of a carping minority over the alleged sins of a few enthusiasts, who take no part in this political controversy?

We appeal to the manhood, the justice, the patriotism, and the honor of this committee. We are American citizens. We are in numbers, wealth, intelligence, prospects, and energies fully prepared for the duties and responsibilities of free government. Nothing can be alleged against us that is true or will stand the test of investigation. We ask for that liberty which other citizens enjoy and the rights and privileges which the Constitution guarantees, and we pledge to you our loyal and faithful support of those republican institutions which are the pride and glory of the greatest nation under the sun, whose power we will help to perpetuate, and whose integrity we will ever strive to maintain.

Mr. FERRY. Do you know of a Gentile in Utah in favor of statehood?

Mr. RICHARDS. I do; but I decline to give any names, because I do not suppose they would want their names made public.

Mr. FERRY. How many? They do not amount to many.

Mr. RICHARDS. I do not know how many, because I have not made a canvass of the Territory.

Mr. FERRY. It is a very trifling minority.

Mr. RICHARDS. I think not, sir.

Mr. FERRY. It would not amount to as many as you could count on your fingers.

Mr. RICHARDS. I think that, if left to decide according to their consciences and judgment in relation to this matter, they would number a great many.

Governor WEST. Will you name the power that enforces the Gentiles and prevents them?

Mr. RICHARDS. One is the Salt Lake Tribune, the manager of which honors us with his presence here to-day.

Governor WEST. Any other power besides the Salt Lake Tribune?

Mr. CAINE. The anti-Mormon ring.

The CHAIRMAN. The gentleman has occupied just one hour and it is now fifteen minutes to 12, and I think that it will be unjust to ask any gentleman to proceed with his argument. If it would be possible to meet at half past one so that an equal amount of time may be occupied by the other side, so that both may go in together, it would be well, as this is going out to the country. Dilatory motions, I am informed, will not be made to-day, and the House will go on with the appropriation bills, and by half past one the House will be settled down, so if agreeable I would like to have the committee assemble at that time.

Mr. BASKIN. I would like to have Governor West reply to Mr. Richards.

Governor WEST. I am not prepared to go on now.

The CHAIRMAN. It was simply to accommodate you, governor.

Governor WEST. I am not ready to go on now, but some other gentleman can go on if the committee sees fit.

Thereupon the committee adjourned until half past 1.

AFTERNOON SESSION.

ARGUMENT OF E. P. FERRY, OF PARK CITY, UTAH.

Mr. FERRY. Mr. Chairman and gentlemen of the committee, in reply to the gentleman who preceded me and who stated that the opposition to statehood for Utah was entirely directed by radical Gentiles opposed to the best interests of the Territory, I appear here on behalf of the Gentiles, the non-Mormon people of Summit County, the only Gentile county within the Territory of Utah. The authority I have to represent them is contained in a series of resolutions adopted at a public meeting in the town of Park City, which I will not take time in reading, but submit as my authority to appear. I am not a professional man, not a lawyer, not a politician, not an office-holder, and never sought to occupy any such place. I am a business man. My interest in Utah commenced in 1873 and my immediate residence in Utah commenced in 1878, since which time I have been identified continuously with the interests of the Territory as a citizen of Utah. Through myself there has been invested in the mining industries of Utah over \$1,000,000. When I went to Park City it was a small town of 400 inhabitants. Now it has a population of nearly 5,000. I at first secured board in a Mormon family, its head a bishop who had five wives; I therefore know something of Mormonism and its surroundings.

We are entirely surrounded in the country about Park City by a Mormon community. Summit County was, with all other counties at the time of my advent into Utah, a Mormon county. We know no national politics there, neither Republican nor Democrat. Utah is the only country in the world where a Jew becomes a Gentile as against the Mormons and where all are as one man against the proposition of statehood. I do not know within the range of my knowledge of Utah a single Gentile who is in favor of the admission of Utah as a State under her present polygamous and political condition. I concur with all my heart in every word that was said by Mr. Richards in regard to the area of Utah, its numbers in population, and its varied resources. But that the Mormon people are entitled to so much credit for patriotism in the settlement of that Territory, I deny; and I call your attention to the fact that Mr. Richards passes very lightly over the causes that led to the hegira of the Mormons from the United States. You will bear in mind that it is a fact that at the time of the occupancy of Utah by the Mormons it was Mexican soil. At the date given by Mr. Richards of its occupancy—July 24, 1847—it was outside the western boundary of the United States and within the domination of Mexico, and it was for this very reason the Mormons went to Utah. You as well as I know for what reasons they left my own native State, Michigan, why they left Ohio, Jackson County, Missouri, and the State of Illinois, and I think it is important you should bear in mind the fact that this Territory was not acquired by the United States until the treaty of Guadalupe Hidalgo in 1848; and it has been one of the points insisted upon by the Mormons in their defense before the courts for polygamy that they

occupied that Territory before it came under the dominion of the United States and were in occupation thereof, and they were entitled to the exercise of the religious privileges and rites that existed at the time the United States conquered it. You will find in the records of the courts and the writings of their leaders that this is the point that has been made by the Mormons, and dwelt upon with emphasis.

Now, Mr. Richards has seen fit to refer to those who are opposing the admission of Utah to statehood as those who were not worthy of trust, mere political adventurers and office-seekers. There is a good reason why Mr. Richards should appear to advocate the admission of Utah. He is the employed attorney of the Church of Jesus Christ of Latter-Day Saints. His father is one of the apostles, one of the twelve. He himself is prosecuting attorney of Salt Lake County, and, if I mistake not, he removed from Ogden to Salt Lake in order to hold that office. His brother, I believe, is the present attorney of the county of Weber, therefore comes from him with very bad grace the charge that those who were opposing the admission of Utah want some other form of government in order to hold the offices themselves. He gives as evidence of the patriotism of the Mormons the enrollment of 500 of the early Mormons in the Army of the United States. We understand that it was a fact that the Government of the United States allowed 500 to be enrolled on the Army list, and paid them for their services. It was more as a measure to help them in their migration and at the personal request of their leaders to the President, and I think Mr. Richards will not dispute the fact that not one of those men who were thus enrolled ever took part in a battle, nor was there a battle for them to take part in.

When he states that on their first entrance to Utah they on Ensign Peak raised the flag of the United States, he must not forget that only as late as the 4th of July, 1886, last, they hoisted the American flag at half mast on the city hall in the city of Salt Lake as a signal of distress because of the legal prosecutions by the Government. He says their public school system is anti-sectarian and free. Their public school system is utterly and entirely under the control of the Church of Jesus Christ of Latter-Day Saints and over the doors of their school houses might be written, "No Gentile teacher need apply."

The Gentiles are obliged to support their own schools, to contribute out of their own pockets for the education of their own children, and at the same time pay a tax for the support of the public schools which are thoroughly Mormon. I know of no single Gentile teacher being employed in a single Mormon school board. Something over 5,500 children are now in the Gentile schools of Utah, and yet we are contributing by tax upon our property for these Mormon schools, run under the direction of the church.

It is a fact to-day that, outside of the very few cities where they have a tabernacle erected for public worship, the services of the Mormon church are held in the public school houses, and I think that obtains in the city of Salt Lake, aside from the afternoon service in the tabernacle. The religious services are held in the ward school-houses through the city of Salt Lake. I have been present when these services were held, and I have been there when school was held in the same buildings.

Mr. WARNER. Pardon me for a moment. When you speak of a Mormon school, they are school-houses erected by a tax on the people generally and maintained by a general tax?

Mr. FERRY. Yes; are sustained by a general tax as public schools

and used as Mormon meeting-houses for religious purposes. I want to call attention to the clause that was also called to your attention——

The CHAIRMAN. Is it true that Gentile children attend these schools or are excluded?

Mr. FERRY. I know of none in my own county, and I am not sufficiently acquainted with the rest of the Territory to say there are none; but there are very few except within the city of Salt Lake, where the Gentiles have lately acquired control and have elected a majority of Gentile trustees in eight school districts out of the twenty one in the city.

Mr. WILSON. I would like to know whether they exclude Gentile children from these public schools.

Mr. FERRY. No more than they exclude Gentiles from their religious services.

Mr. WILSON. The schools are open to everybody who has children to send?

Mr. FERRY. I presume so.

Mr. WILSON. Do you know anything to the contrary of that?

Mr. FERRY. I do not. But neither you nor I would send our children to a school conducted by a Mormon and opened by a Mormon with the usual religious services that the Mormons have.

Mr. WILSON. You would not be willing to send a child to a Catholic school?

Mr. FERRY. I might not.

Mr. TAULBEE. Are other religious societies than the Mormons prohibited from holding services in the school buildings?

Mr. FERRY. I do not know anything about such prohibition; I do not know of any other religious society ever meeting in a Mormon school building.

Mr. WILSON. Let me ask you one further question. You say these various denominations—Presbyterians, Methodists, etc.—have their church buildings, and they have their school buildings also, have they?

Mr. FERRY. Yes, sir; to some extent.

Mr. WILSON. Do you know of any religious services ever being held in those school buildings?

Mr. FERRY. I have.

Mr. WARNER. But in that case these buildings are erected by private individuals and not at the public expense, and the schools are conducted as private schools and not at the public expense?

Mr. FERRY. Yes, sir.

Mr. WILSON. Have you ever known of any refusal to permit these school buildings to be used by other denominations for the purpose of holding their church services in them?

Mr. FERRY. I know of but one application that was made in my vicinity for such purpose. That was in the county of Wasatch, in the city of Heber. It was most promptly refused.

Mr. WILSON. Do you know of any other instance?

Mr. FERRY. I do not.

Mr. WILSON. Did you ever hear of any?

Mr. FERRY. I know of no application made.

Mr. BAKER. These are Mormon schools, the public property?

Mr. FERRY. Yes, sir.

The CHAIRMAN. Proceed.

Mr. FERRY. So much for their school system. It has been stated they that polygamy is dead, that there is no further polygamy in the Territory of Utah, and no truth in the report of the present practice of

polygamy. I have here, and wish to submit with my remarks, a statement from the clerk of the third district court of the United States for the Territory of Utah, showing that during the year ending September 1, 1888, there were 85 convictions in that court, and that there were 169 indictments found by the grand jury.

The CHAIRMAN. For what?

Mr. FERRY. For unlawful cohabitation. The report of the penitentiary which I have in print, and which I presume will not be disputed, shows that during the year ending January 1, 1889, there were 239 prisoners committed to the penitentiary, of which number there were 1 for bigamy, 2 for incest, 2 for polygamy, 15 for adultery, and 219 for unlawful cohabitation, making a total of 239, and this statement I wish to submit. I want to explain that the reason there are so few indictments and convictions for polygamy is that it has been almost impossible to secure evidence to convict the parties that are well known to be in polygamous relations, until recently, when it was found they could be convicted of unlawful cohabitation when such charges were made and prosecuted; the reason is, witnesses will not swear to matters they know because of their terror of the church. It is no unusual thing to stand in court and to see plural wives with their young babes in their arms deny on oath that they know who was the father of their children.

Witnesses are boycotted in case they testify to the facts. Take the case of Rudger Clawson, who was convicted of polygamy. It was almost impossible to find a witness who knew of the fact that was willing to testify. They could find many who knew of the facts in the case; but at last there was found a young man, holding a position as clerk in a dry-goods store, who was supposed to know these facts, and he was visited. He merely replied that he would tell the truth. That came to the ears of the church, and every influence under heaven was brought to bear upon that young man; and I tell you, gentlemen, you should be a resident of Utah to know what these influences are. Church influence, social influence, parental influence, and the knowledge that he was certain to lose his place in case he testified to the truth; it was not known until he was brought on the stand what he would testify. When he was asked if Clawson had entered into polygamy and this woman was his second wife, he said yes, and Rudger Clawson was convicted. In consequence of this the young man was dismissed from his position and could not find a place to work in the city of Salt Lake; we gave him a place in our own Gentile community. That young man is a son of the present delegate from Utah, Mr. J. T. Caine.

When John Sharp came into court and was asked by the court whether in the future he would obey the law he replied "Yes." What was the consequence? From that time his office was taken away from him; he was removed as bishop of the Twentieth ward on this account, while Clawson, who was convicted of polygamy and then in the penitentiary, was made president of Box-Elder State. This is the kind of influence and ostracism which is exercised by the Mormon Church upon those who go into court and testify in any way in regard to polygamy or unlawful cohabitation. They say polygamy is dead. Take up the report of the Utah Commission for 1887 and 1888, which I want to make part of my remarks, and see whether it be true or not—

The CHAIRMAN. You mean that part of the report which you quote?

Mr. FERRY. I simply want to refer to the parts here.

The CHAIRMAN. Whatever you quote will be printed.

Mr. FERRY. This is 1887:

The names of sixty-seven men have been reported to the Commission who have entered polygamy during the past year ending June, 1887. This information has been requested of all registrars. The number given has been reported by non-Mormon registrars, there being no instance in which a name has been reported by a Mormon registrar.

In 1888 a majority of the Commission report the names of twenty-nine that have been reported by the registrars as being in polygamy.

Mr. RICHARDS. Have any one of those persons been prosecuted who were reported to the Commission in 1887 and 1888 as having gone into polygamy during those years?

Mr. FERRY. I can not say. I take it for granted that the respectable gentlemen appointed by the President of the United States on the Commission would not make such a report unless they had the evidence to sustain it.

Mr. RICHARDS. How do you account for the fact that the Federal officials have not done their duty in prosecuting them if they violated the law?

Mr. FERRY. I am not called upon to do that. I know of my own knowledge that men are living in polygamy in my county to-day. I know of my own knowledge that there are numbers yet on the underground who dare not appear in Salt Lake City because indictments stand against them, and so does Mr. Richards.

Mr. RICHARDS. Excuse me; but I deny that statement so far as it relates to polygamy. I do not know of any case in which a man is charged with polygamy and failed to appear.

Mr. FERRY. Where is Mr. Penrose? Where is John Henry Smith?

Mr. CAINE. He has been around Salt Lake City, and has preached in the tabernacle recently.

Mr. RICHARDS. Inasmuch as these gentlemen's names are mentioned, I deny that any one of them who has been named is indicted or charged with polygamy, and I desire to call the attention of the committee to the distinction between polygamy and unlawful cohabitation. The distinction is this: A man is guilty of polygamy who marries a woman, having a lawful wife living; and a man is guilty of unlawful cohabitation, in the construction of the courts, who continues to associate with wives that he married years ago.

Mr. BARNES. While he has a wife?

Mr. RICHARDS. I can say there are cases of men who married wives years ago who are charged with unlawful cohabitation.

Mr. WARNER. One question there. I understand, then, that this distinction took place as soon as the passage of the law by Congress in regard to polygamy.

Mr. RICHARDS. Yes, sir.

Mr. WARNER. And the same offense before the passage of that law, whether they lived with a woman under the same condition or not, was unlawful cohabitation?

Mr. RICHARDS. Yes, sir; after the law of 1882.

Mr. WARNER. But it was marriage in both cases.

Mr. RICHARDS. So I say there is no proof of any recent marriages.

Governor WEST. How about George Q. Cannon? What is the record in his case in reference to a polygamous marriage?

Mr. RICHARDS. I do not know that the record shows a polygamous marriage since 1882.

Governor WEST. Is it not a fact that the indictment charges him with

the names of his wives, etc.? Is it not known he is gone into polygamy and does his wife not write her name Cannon?

Mr. RICHARDS. The indictments give the names of the wives, but not the dates of the marriages, and I do not understand that they are of recent date.

Governor WEST. How about Mrs. Mattie Hughes; is she not a reputable woman, and is it not charged that she was the polygamous wife of Angus M. Cannon, and has she not borne him children?

Mr. RICHARDS. I do not know who charged that she was his polygamous wife and I do not know that she has borne him any children.

Governor WEST. Is she not recognized as Mattie Hughes-Cannon, and does she not so sign her name?

Mr. RICHARDS. I do not know that she so signs her name, and I never heard anybody acknowledge it.

Mr. FERRY. That is the character of the testimony we get in the courts. "They do not know." Daniel H. Wells, one of the apostles, was put on the stand. It was well known by common report that he was the one who solemnized plural marriages, and he "did not know" in regard to the marriage of certain persons then before the court and could not tell whether they were married by him or not, nor could he tell where the records were. You gentlemen must understand that these polygamous marriages are made with sealed doors and behind bars. It is only lately there has been any marriage law in Utah, and to-day there is no law on the statute books of Utah that protects women in their person except by the simple charge of assault and battery; there is no law against sexual crime. It is clear if the church controls the State and political power it will protect polygamy and its kindred crimes. They protect it in this constitution they submit to you under which they ask admission to the union. Section 12 says:

Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than one thousand dollars and imprisoned for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Not one of the men who composed that constitutional convention but were of the priesthood. They were Mormons that were not polygamists because the Edmunds law prohibited polygamists from holding office. Mr. Richards laid stress upon the oath. Was it not framed by the United States Congress, and did they not think it incumbent and politic to put themselves in accord with it; so that the members of that convention, illegally held, without a shadow of authority from the governor or the people, took the oath that Congress imposed upon voters and office-holders, without which they are prohibited from holding office or exercising the right of franchise. Now, why do they declare it a misdemeanor when a higher power has already declared polygamy a crime and felony, and conspicuously refrain from any declaration as to unlawful cohabitation?

Polygamy is not dead. It is but sleeping. You clothe Utah with statehood and it will be intrenched more strongly than before. The time will come again when there will not be a Gentile in the Utah legislature. Up to 1882 there had been not to exceed six in both houses of the legislature who were not active polygamists and practicing polygamy, and it was only after the passage of the Edmunds law that polygamists

were excluded from the Utah legislature and from office and that by United States law. The fact is they make polygamy the very shibboleth of their system. It is the keystone upon which they build. Under the control of the church there can be no advancement there, socially, financially, or politically, unless those who seek such advancement are sound upon this question of polygamy; that is the way in which the church and state are joined together. The business interests there will suffer provided it is clothed with statehood. In 1878 it was attempted by the legislature, carried out as far as they could do it, the passage of a bill levying an onerous tax upon the mining industry. They feared it, as it brought in non-Mormon people to the mines, and it was only by the veto of Governor Emerey that it was prevented. It will not be a year after the day Utah is clothed with statehood under Mormon control that they would make it so uncomfortable to us who do not belong to the church that we should have to leave. I believe that thoroughly.

Mr. CAINE. Will you allow me a question? Please state to the committee whether the legislature proposed to levy a heavier tax upon mines than upon other property.

Mr. FERRY. Yes, sir; upon mines valued and taxed as mines.

Mr. CAINE. Was the proposition to levy any different tax upon mines than upon other property?

Mr. FERRY. It was upon a valuation of mines as mines.

Mr. CAINE. You do not answer my question. Was there any proposition to tax mines any greater or less than other property in the Territory?

Mr. FERRY. In that way, by applying it to them as mines upon their valuation not improvements. That was the very ground upon which Governor Emerey vetoed it in 1878. I have the veto message at my room.

Mr. CAINE. There was no proposition to tax mines any differently from other property.

Mr. FERRY. Now, gentlemen, the Gentiles of Utah are making some advancement under the present legislation. In 1882 the county in which I have the honor to reside gave 1 majority for the Gentile Delegate to Congress. In 1885 we sent a member to the legislature. In 1887 we not only returned him there, but elected a man to the upper house who was a resident of Salt Lake, of which district we were made a part. I believe in 1887 there were five Gentiles elected members of the legislature. In 1888, last fall, we gave a majority of 450 Gentile votes in our county, and our influence, I say with pride, our influence and success in Summit is an incentive to the people in the other parts of the Territory. We are converting the younger element of the Mormon Church, who are tired of church supremacy and seek political freedom. The Mormon Church is not growing by itself. The younger element of the church does not stand with it. It is growing only by foreign immigration. A great many of the young men in the school elections of last year voted with the Gentiles and helped elect a majority of Gentile trustees in eight school districts of Salt Lake City. They are standing a fair show now under the legislation of the United States. Should Utah be admitted to statehood and thus these young men be relegated to the tender mercies of the political control of the Mormon Church?

I believe in my heart the recommendations of the Utah Commission and return to the earlier precedents in Territorial legislation would help solve the problem. There are precedents enough. Several Territories were organized in that way, provided with legislative councils; my own State of Michigan was thus organized; the Territory of Louisiana was

organized that way, and the Territory of Florida also. Utah is not prepared for statehood, and it will only be until she has a majority of loyal American voters who are willing to submit to the laws that Utah shall be found clothed and recovered to a right mind; clothed *not* in the scarlet garments of polygamy or celestial marriage, but clothed in the pure white garments of her who believes in the single marriage of one woman with one man; *then* when she knocks at the gates of the Rocky Mountains, I believe Congress will be ready to respond: "Lift high your gates, ye everlasting hills, and let the mountain bride come in."

Mr. WARNER. I would like to ask Mr. Richards a question. Are you a prosecuting attorney of Utah?

Mr. RICHARDS. I am the city attorney of Salt Lake City.

Mr. WARNER. You are practicing law there?

Mr. RICHARDS. Yes, sir.

Mr. WARNER. What is the technical difference there practically between polygamy and unlawful cohabitation?

Mr. RICHARDS. In a prosecution for polygamy it is necessary to charge and prove, as I understand it, that the defendant has married a plural wife within three years prior to the time of his indictment.

Mr. BAKER. Is there any ruling of the court on that point?

Mr. RICHARDS. The statute of limitations is three years.

Mr. BAKER. The United States statute fixes that?

Mr. RICHARDS. Yes, sir.

Mr. WARNER. So, if a man is married four years, or three years and a day, it would then be unlawful cohabitation, although the man and his two wives may have lived together in the same state in each case?

Mr. RICHARDS. Yes, sir.

Mr. WARNER. I understand. You have gone over that in your argument. But they may be living together with or without sexual intercourse.

Mr. RICHARDS. It is unlawful cohabitation if they live together.

Mr. WARNER. Still they may live together in the same way, and one would be unlawful cohabitation while the other would be polygamy.

Mr. RICHARDS. The plural marriage constitutes polygamy; the living together in polygamous relations, unlawful cohabitation.

Mr. WARNER. Now, one other question. In your constitutional provisions, section 12, which has been read again, it prohibits polygamy, but that constitutional provision does not affect this unlawful cohabitation.

Mr. RICHARDS. No, sir; there is no provision against unlawful cohabitation. The idea of the convention on that point was that adultery, fornication, incest, and like crimes should be left to the legislative power.

Mr. CAINE. Another thing. The views of the convention were that if there was no polygamy or polygamous marriages, there could be no unlawful cohabitation. It would cease entirely.

Mr. BASKIN. You have not got it clear as to the distinction between polygamy and cohabitation yet. The gist of the crime of polygamy is the solemnization of lawful marriage between a man and two wives, and the gist of unlawful cohabitation is the living together of two people in pursuance of a polygamous marriage. That is all. You may indict a man for cohabitation the next day after he is married.

Mr. WARNER. I understand that very well, that polygamy and unlawful cohabitation may exist and that a party may be guilty of each;

that a party may be guilty of unlawful cohabitation, but not guilty under your statutes of polygamy?

Mr. RICHARDS. The cohabitation must be in the relation or under the claim of husband and wife.

A GENTLEMAN. I was going to say that unlawful cohabitation might take place without any marriage.

Mr. BASKIN. It must be maintained in the marriage relation. Of course if we are not in the marriage relation it would be fornication or a like crime.

Mr. CAINE. I would like to ask Colonel Ferry a question and make a statement. He referred to son of mine, but I would like to ask him if he will tell the committee whether my son was permanently engaged in this place where he was employed, if he knows anything about it, or whether he was simply temporarily employed when he gave that evidence.

Mr. FERRY. He told me he was permanently engaged.

Mr. CAINE. I can tell the committee I do not wish to dispute Mr. Ferry, but the facts are the young man had formerly been permanently employed there but had left, and merely went back to help them a few days. I would further ask Mr. Ferry what my standing is among Mormon people; whether I am a member of the Mormon Church or not?

Mr. FERRY. Not in the sense George Q. Cannon says—"that the polygamist are the élite of Utah," for you are a monogamist. I respect your standing very much, sir.

Mr. CAINE. That is not it; please tell how I am regarded by the Mormon people.

Mr. FERRY. I do not see how I can better answer that than by referring to the majority you got.

Mr. CAINE. Did you ever hear what I said to my son in regard to the matter before he went into court to testify?

Mr. FERRY. No, sir. I have the statement entirely from your son.

Mr. CAINE. I will tell the committee, so there may be no misunderstanding. My attention was called to the fact that my son was going to testify in the Rudger Clawson case. I asked him about it, and he told me what he knew, and would testify. I said, "Are you sure of the facts?" He said, "Father, I am sure." "Well," I said, "if you have any doubt give it in favor of the accused, but if you have no doubt go and tell the truth." Another point. Mr. Ferry represented that my son could not get employment in Salt Lake. He had been out of regular employment quite a length of time before this incident occurred; after that he left Salt Lake City and went out to Park City and secured employment with a merchant named Ascheim, where he worked several months before Mr. Ferry and associates gave him employment.

Mr. FERRY. I want to say the statement came from him direct. That is the only means I have of knowing in regard to it.

Mr. CAINE. My son, as Mr. Ferry knows, and his family, retain the most amicable relations.

Mr. FERRY. Yes, sir.

Mr. CAINE. Because you have been at my house and know it.

Mr. FERRY. Yes, sir.

Mr. CAINE. I wanted to make this statement before the committee, so there should be no wrong impression about it.

Mr. FERRY. You do not deny that influences were brought to bear upon him in order not to give testimony of that kind?

Mr. CAINE. I do not know anything of the kind; I know of no im-

proper influences having been brought to bear upon him. I do not think he would say so.

Mr. FERRY. He did say so.

Mr. CAINE. I know the impression went out and was published that there were improper influences brought to bear upon him, and I think he himself published a card giving the facts over his own signature.

Mr. BASKIN. What was your object in approaching your son just at that time on such a delicate subject?

Mr. CAINE. As his father I had a right to know what my son was going to do.

Mr. BASKIN. He was of age?

Mr. CAINE. I do not know that he was at that time; but he is now. But whether he was or not I had a perfect right as his father to ask him what he would testify in the case, and my suggestion to him was that he should tell the truth, let the result be what it may.

At a meeting of the Liberals of Summit County, Utah, held at Park City on Thursday, December 27, 1888, the following preamble and resolutions were unanimously adopted:

Whereas it appears that a determined effort will be made at the present session of the Congress of the United States of America to admit Utah as a State, and

Whereas representing as we do the only Gentile county in the Territory, we feel that such admission will be inimical to the best interests of the Territory and tend to retard its further progress: Therefore, be it

Resolved, That we earnestly enter this our solemn protest against the admission of Utah as a State until such a time as a majority of her people are willing to abide by the laws of the country made and provided.

Resolved, That our Delegate, Hon. E. P. Ferry, be requested to appear before the House Committee on Territories at its meeting on January 9, 1889, there to give our reasons against such admission and to remonstrate in such other manner as he may deem necessary.

JOSEPH M. COHEN,
ALFRED C. REESE,
HENRY SHIELDS,
D. P. WHEEDON,
D. C. McLAUGHLIN,
Committee on Resolutions.

Number of indictments.

Unlawful cohabitation.—John Connelly, George Harmon, Thomas H. Smart, James Woods, Alexander Bills, George Wilding, Henry Biekstrad, Joseph H. Riggs, Ebenzer Woodford, David Harkey, John Tate, James M. Fisher, John Cottam, William Blood, John A. Marehant, Joseph C. Perry, Edwin Rushton, Hyrum H. Evans, Frederick Peterson, Thomas Labaum, John Oborn, John Gerber, Miles L. Williams, James C. Watson, Charles Burgess, Samuel Anderson, William S. Miner, John Penman, James Logud, Nathan Hanson, Andrew Homer, Jesse R. Turpin, Charles Livingston, James Welch, Byron W. King, Renignin Sissions, David B. Bybee, Thomas Henderson, Rodney C. Badger. (Total convictions year past, 85). Samuel M. Butcher, Thomas F. Harris, Walter C. Brown, Joseph Doner, John Weinel, Joseph Johnson, Edward Cox, Olans Johnson, Ephraim Synder, B. H. Schettler, Thomas Pierpont, C. H. Bassett, James S. Brown, Thomas Allsot, Ephraim Briggs, Alexander Burt, William R. Smith, Daniel Jones, William Brown, Hannah Brightmore, William H. Tovey, George C. Watts, William J. Jenkins, John R. Burnes, John Squires.

Adultery.—Alexander Brown.

Unlawful cohabitation.—George Q. Cannon (2), Samuel H. Hill, William J. Par-kin, Edwin L. Davis, James Turner, Daniel Lewis, Milford B. Shipp, Edwin Rawlins, James Woolstenholme, James C. Hamilton, Elijah F. Shuts, Charles M. Nakes, John Irwin, Oliver C. Ormsby, George B. Bailey, William H. Hill, Andrew Anderson, Samuel W. Woolley. (During past year 169 indictments for unlawful cohabitation were found.)

[The Daily Tribune.]

Utah penitentiary report, 1888.

| Names of prisoners. | District | Crime. | Sentence. | Date confined. | When discharged.— Remarks. |
|------------------------|----------|--------------------------------------|----------------------------|----------------|-------------------------------------|
| Tonge, Peter..... | 3 | Incest..... | | Jan. 19, 1888 | April 27, 1888, by court. |
| Tonge, Sarah..... | 3 | do..... | | Jan. 31, 1888 | Do. |
| Burgstrom, C. M.... | 1 | Unlawful co-habitation. | 4 months, \$100, and cost. | Feb. 13, 1888 | June 25, by court. |
| Anderson, C. A..... | 1 | do..... | 2 months..... | do..... | April 3, by commissioner. |
| Williams, Wm..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Aug. 13, 1888, by commissioner. |
| Crockett, Alvin..... | 1 | do..... | 4 months and cost. | do..... | May 24, 1888, paid cost. |
| Hansen, Hans P..... | 1 | do..... | 6 months, \$200, and cost. | do..... | July 13, paid fine and cost. |
| Christianson, M..... | 1 | Adultery..... | 8 months..... | do..... | Sept. 3, copper act. |
| Merrill, M. W..... | 1 | Unlawful co-habitation. | 5 months and cost. | do..... | June 18, paid fine and cost. |
| Hansen, James..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Aug. 13, by commissioner. |
| Allen, Ira..... | 1 | do..... | 6 months, \$300, and cost. | do..... | July 13, paid fine and cost. |
| Griffin, William..... | 1 | Unlawful co-habitation and polygamy. | 3½ years, \$300, and cost. | do..... | |
| Stauffen, Ulrich..... | 1 | Unlawful co-habitation. | 6 months and cost. | do..... | July 13, paid cost. |
| Johnson, John*..... | 3 | do..... | 6 months, \$150, and cost. | Feb. 24, 1888 | |
| Cox, Edward..... | 3 | do..... | 6 months, \$50, and cost. | Feb. 27, 1888 | July 27, paid fine and cost. |
| Johnson, Alaus..... | 3 | do..... | do..... | Feb. 29, 1888 | Aug. 29, by commissioner. |
| Schuttler, B. H..... | 3 | do..... | 6 months, \$300, and cost. | do..... | May 2, 1888, pardoned by Cleveland. |
| Sorensen, S. N..... | 1 | do..... | 4 months, \$50, and cost. | do..... | June 9, paid fine and cost. |
| Thorpe, C. L..... | 1 | do..... | 4 months, \$100, and cost. | do..... | June 12, paid fine and cost. |
| Pierpent, Thomas..... | 3 | do..... | 6 months, \$300, and cost. | Mar. 1, 1888 | Aug. 1, 1888, paid fine and cost. |
| Allred, Samuel..... | 1 | do..... | 6 months and cost. | Mar. 6, 1888 | Aug. 6, paid cost. |
| Allred, Wm. M..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Sept. 6, by commissioner. |
| Reid, William T..... | 1 | do..... | 3 months, \$300, and cost. | Mar. 10, 1888 | May 10, paid fine and cost. |
| Jones, Joe S..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Aug. 10, paid fine and cost. |
| Bouria, C. C. N..... | 1 | do..... | do..... | do..... | Do. |
| Harris, Thomas..... | 1 | do..... | 30 days and \$50..... | Feb. 28, 1888 | Apr. 23, by commissioner. |
| Alleop, Thomas..... | 3 | do..... | 3 months, \$50, and cost. | Mar. 13, 1888 | May 29, paid fine and cost. |
| Briggs, Ephraim..... | 3 | do..... | 6 months, \$25, and cost. | Mar. 15, 1888 | Aug. 15, paid fine and cost. |
| Brown, James S..... | 3 | do..... | 3 months, \$100, and cost. | Mar. 12, 1888 | May 28, paid fine and cost. |
| Larson, Bent..... | 3 | do..... | 6 months, \$50, and cost. | Mar. 16, 1888 | Sept. 16, by commissioner. |
| Harding, Thomas..... | 1 | do..... | 6 months and cost. | Mar. 24, 1888 | Aug. 24, paid cost. |
| Hoyle, H. G..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Sept. 24, by commissioner. |
| Higginson, Jas. G..... | 1 | do..... | 6 months..... | do..... | Aug. 24, copper act. |
| Lattimer, James..... | 1 | do..... | 6 months, \$300, and cost. | do..... | Aug. 24, paid fine and cost. |
| Leveridge, L..... | 1 | do..... | 6 months, \$50, and cost. | do..... | Do. |
| King, Robert T..... | 1 | do..... | 5 months and cost. | do..... | Aug. 24, paid cost. |
| Hamilton, Henry..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Sept. 24, by commissioner. |
| Lunceford, Jos..... | 1 | do..... | 6 months, \$50, and cost. | do..... | Do. |
| Curtis, Levi..... | 1 | do..... | 6 months, \$100, and cost. | do..... | Aug. 29, paid fine and cost. |
| Adams, Joshua..... | 1 | do..... | do..... | do..... | Aug. 24, paid fine and cost. |
| Higgins, S. G..... | 2 | do..... | 6 months, \$300, and cost. | Mar. 25, 1888 | Sept. 24, by commissioner. |
| Bringhurst, W. H..... | 2 | do..... | do..... | do..... | Do. |
| Funk, Marcus..... | 2 | do..... | do..... | do..... | Do. |
| Tanner, John..... | 2 | do..... | do..... | do..... | Do. |
| Church, Byron S.†..... | 2 | do..... | do..... | do..... | Do. |

*October 2, day after arrival, was taken sick with pneumonia, which ended in death on morning of March 5.

†Discharged December 22 by commissioner, after serving thirty days for fine and costs; commissioner refused discharge without such payment.

Utah penitentiary report, 1888—Continued.

| Names of prisoners | District. | Crime. | Sentence. | Date confined. | When discharged.— Remarks. |
|---------------------|-----------|-------------------------|----------------------------|----------------|---------------------------------|
| Burt, Alexander... | 3 | Unlawful co-habitation. | 6 months and cost. | Mar. 26, 1888 | Aug. 27, paid cost. |
| Smith, William R. | 3 | do | 6 months, \$300, and cost. | Mar. 31, 1888 | July 21, pardoned by President. |
| Jones, Daniel | 3 | do | do | Apr. 11, 1888 | Sept. 11, paid fine and cost. |
| Monk, Charles | 1 | do | 4 months, \$100, and cost. | Apr. 11, 1888 | July 25, paid fine and cost. |
| Cluff, H. H. | 1 | do | 6 months, \$300, and cost. | do | Sept. 14, paid fine and cost. |
| Jenkins, William J. | 3 | do | 6 months, \$50, and cost. | Apr. 21, 1888 | Oct. 22, by commissioner. |
| Tovey, William H. | 3 | do | do | do | Do. |
| Watts, G. C. | 3 | do | 3 months, \$50, and cost. | do | Aug. 6, by commissioner. |
| Barnes, John R. | 3 | do | 3 months, \$300, and cost. | Apr. 30, 1888 | June 22, pardoned by Cleveland. |
| Turnberg, J. or G. | 1 | Adultery | 7 months | May 7, 1888 | |
| Webb, Simon | 1 | Unlawful co-habitation. | 6 months, \$50, and cost. | May 11, 1888 | Oct. 11, paid fine and cost. |
| Miles, E. R. | 1 | do | do | May 12, 1888 | Oct. 12, paid fine and cost. |
| Yeates, Fred. | 1 | do | 6 months, \$100, and cost. | May 18, 1888 | Nov. 19, by commissioner. |
| Seamons, E. | 1 | do | 6 months, \$50, and cost. | May 25, 1888 | Nov. 26, by commissioner. |
| Christianson, J. | 1 | do | do | do | Do. |
| Farr, Winslow | 1 | do | 6 months, \$300, and cost. | May 26, 1888 | Do. |
| Wings, Chris. F. | 1 | do | 6 months, \$50, and cost. | May 25, 1888 | Do. |
| Garchi G. | 1 | do | Fine and cost, \$57.30 | do | June 25, by commissioner. |
| Waldron, Lorenzo | 1 | do | 6 months, \$300, and cost. | May 26, 1888 | Nov. 26, by commissioner. |
| Bywatter, James. | 1 | do | 6 months, \$50, and cost. | May 28, 1888 | Nov. 28, by commissioner. |
| Taylor, Samuel | 1 | do | 3 months | do | Aug. 13, copper act. |
| Harper, Thomas | 1 | do | 6 months, \$300, and cost. | do | Nov. 28, by commissioner. |
| Anderson, Neal C. | 1 | do | do | do | Do. |
| Squires, John | 3 | do | do | May 31, 1888 | Oct. 5, pardoned by Cleveland. |
| Thomas, D. F. | 1 | do | 3 months, \$300, and cost. | do | Aug. 16, paid fine and cost. |
| Carter, William | 2 | do | 6 months, \$300, and cost. | June 2, 1888 | Dec. 1, by commissioner. |
| Hardy, Warren | 2 | do | do | do | Do. |
| Bryner, Casper | 2 | do | do | do | Do. |
| Bastian, Jacob | 2 | do | do | do | Do. |
| Burgess, Mark | 2 | do | do | do | Do. |
| Granger, Walter | 2 | do | do | do | Do. |
| Helen, Thomas | 1 | do | do | do | Dec. 3, by commissioner. |
| Jardean, John | 1 | do | do | do | Do. |
| Brown, Alexander | 3 | Adultery | 1 month and cost. | June 20, 1888 | July 20, paid cost. |
| Christianson, A. | 1 | Unlawful co-habitation. | 4 months, \$100, and cost. | June 23, 1888 | Nov. 3, by commissioner. |
| Monson, C. H. | 1 | do | 6 months, \$200, and cost. | do | Dec. 23, by commissioner. |
| Hanson, H. C. | 1 | do | 6 months, \$100, and cost. | do | Do. |
| Bolt, John R. | 1 | do | do | do | Do. |
| Baird, Alex. | 1 | do | 6 months, \$50, and cost. | do | Do. |
| Manning, H. W. | 1 | do | 4 months, \$300, and cost. | do | Oct. 3, paid fine and cost. |
| Grunwell, Frank | 1 | do | 5 months and cost. | June 30, 1888 | Nov. 5, paid cost. |
| Childs, A. D. | 3 | Adultery | 3 years | Sept. 5, 1888 | |
| Cannon, George Q. | 3 | Unlawful co-habitation. | 175 days, \$450, and cost. | Sept. 17, 1888 | |
| Hill, A. N. | 3 | do | 50 days, \$50 | do | Nov. 5, paid fine and cost. |
| Hill, S. H. | 3 | do | 60 days, \$75 | do | Nov. 15, paid fine and cost. |
| Parkins, W. J. | 3 | do | 50 days, \$50 | do | Nov. 5, paid fine and cost. |
| Turner, James | 3 | do | do | Sept. 18, 1888 | Nov. 6, paid fine and cost. |
| Davis, Edwin L. | 3 | do | 75 days, \$70 | do | Dec. 1, paid fine and cost. |
| Shipp, M. B. | 3 | do | 75 days, \$65 | do | Do. |
| Lewis, Daniel | 3 | do | 60 days, \$60 | do | Dec. 17, by commissioner. |
| Boyer, F. G. | 1 | do | 2 months, \$200, and cost. | Sept. 19, 1888 | Nov. 19, paid fine and cost. |
| Gardiner, Jesse | 1 | do | 3 months and cost. | do | |
| Peterson, Neal L. | 1 | do | 5 months | Sept. 21, 1888 | |
| Barrett, Thomas. | 1 | do | 4 months and cost. | Sept. 22, 1888 | |

Utah penitentiary report, 1888—Continued.

| Names of prisoners. | District. | Crime. | Sentence. | Date confined. | When discharged.— Remarks. |
|---------------------|-----------|-------------------------|----------------------------|----------------|-------------------------------|
| Forbes, Joseph B. | 1 | Unlawful co-habitation. | 4 months, \$100, and cost. | do | |
| Bourne, Elijah. | 1 | do | 5 months and cost | do | |
| Nealson, Chris. P. | 1 | do | 3 months and cost | do | |
| Lewis, W. J. | 1 | do | 5 months, \$100, and cost. | do | |
| Hunter, Ebenezer. | 1 | do | 2 months | do | Nov. 22, 1888. |
| Rollins, Edwin | 3 | do | 75 days, \$75 | Sept. 24, 1888 | Dec. 7, paid fine and cost. |
| Frandsen, Lars | 1 | Bigamy | 6 months and cost | do | |
| Woolstenhulm, J. | 3 | Unlawful co-habitation. | 65 days, \$65 | do | Nov. 27, paid fine and cost. |
| Larsen, Lars. | 1 | do | 3 months, \$100, and cost. | do | |
| King, Daniel | 1 | do | 60 days, \$50 | do | Dec. 23, by commissioner. |
| Paulson, Paul | 1 | do | 4 months, \$200, and cost. | do | |
| Wagstaff, Samuel*. | 1 | do | 60 days, \$50 | do | |
| Allred, Redick | 1 | do | do | do | |
| Dunning, J. M. | 2 | do | 6 months, \$300, and cost. | Sept. 26, 1888 | |
| Burton, James. | 1 | do | 6 months | do | |
| Watts, Baldwin H. | 1 | Adultery | 1 year | do | |
| Nealson, Mons. | 1 | Unlawful co-habitation. | 4 months, \$200, and cost. | do | |
| Young, Parley B. | 1 | do | 6 months, \$150, and cost. | Sept. 27, 1888 | |
| Jensen, Hans | 1 | do | 5 months and cost. | do | |
| Argyle, Lorenzo | 1 | do | 6 months, \$150, and cost. | Sept. 29, 1888 | |
| Gardiner, John W. | 1 | do | 5 months | do | |
| Borg, Ollie P. | 1 | Adultery | 9 months | do | |
| Sorrensen, Chris. | 1 | Unlawful co-habitation. | 90 days | Sept. 29, 1888 | Dec. 14, copper act. |
| Beeton, William | 1 | do | 4 months, \$200, and cost. | do | |
| Buragard, Chris | 1 | do | 60 days, \$50, and cost. | do | Dec. 27, by commissioner. |
| Durrant, John | 1 | Adultery | 18 months | do | |
| Christianson, S. C. | 1 | Unlawful co-habitation. | 60 days | Oct. 2, 1888 | Nov. 30, 1888. |
| Westenskow, P. | 1 | do | 4 months | Oct. 9, 1888 | |
| Christianson, F. I. | 1 | do | 4 months, \$50, and cost. | do | |
| Hennagson, R. | 1 | do | 90 days | do | Dec. 22, copper act. |
| Nealson, Neal | 1 | do | 4½ months and cost. | do | |
| Nealson, Rasmus | 1 | do | 4 months, \$200, and cost. | do | |
| Swensen, Lars | 1 | do | 90 days, \$50, and cost. | do | |
| Condy, Gibson | 1 | do | 4 months, \$200, and cost. | do | |
| Paulson, E. | 1 | do | 5 months | do | |
| Hawkins, Charles | 1 | do | 4 months, \$100, and cost. | do | |
| Walton, John | 1 | do | 4 months, \$50, and cost. | do | |
| Anderson, A. R. | 1 | do | 4½ months, \$50, and cost. | do | |
| Johnson, J. P. R. | 1 | do | 4 months, \$200, and cost. | do | |
| Hamilton, James C. | 3 | do | 75 days and \$150 | Oct. 12, 1888 | Dec. 25, paid fine and cost. |
| Taylor, P. G. | 1 | do | 3 months, \$300, and cost. | do | Dec. 28, paid fine and cost. |
| Sheets, Elijah | 3 | do | 80 days, \$150, and cost. | Oct. 13, 1888 | |
| Larson, Lars C. | 1 | do | 120 days | do | |
| Anderson, Jens | 1 | do | 3 months, \$50, and cost. | do | |
| Clark, Isaac | 1 | do | 6 months | do | |
| Borranson, M. H. | 1 | do | 60 days | do | Dec. 11, 1888. |
| Aldroid, A. C. | 1 | do | 4 months, \$50, and cost. | do | |
| Irving, John | 3 | do | 4½ months and \$250 | do | |
| Nokes, Charles M. | 3 | do | 85 days and \$100. | Oct. 18, 1888 | |
| Ormsby, O. C. | 3 | do | 75 days and \$200. | do | |
| Cutler, Thomas R. | 1 | do | 6 months, \$300, and cost. | Oct. 19, 1888 | |

* Indicted for adultery in March.

Utah penitentiary report, 1888—Continued.

| Names of prisoners. | District. | Crime. | Sentence. | Date confined. | When discharged.— Remarks. |
|------------------------|-----------|--------------------------------------|----------------------------|----------------|---|
| Peterson, Hans P .. | 1 | Unlawful co-habitation. | 4 months, \$100, and cost. | Oct. 20, 1888 | By President Cleveland, Dec. 27, 1888. |
| Carter, Sidney R .. | 1 | do | 6 months and cost. | do | |
| Larson, Lewis .. | 1 | do | 90 days, \$100, and cost. | do | |
| Harris, Thomas .. | 3 | Polygamy .. | 6 months and cost. | Oct. 24, 1888 | |
| Brinkholt, J. C. L .. | 1 | Unlawful co-habitation. | 90 days and cost. | do | |
| Kershaw, A. J. | 1 | Adultery .. | 18 months. | Oct. 25, 1888 | |
| Tygerson, S. C. | 1 | do | 9 months. | Oct. 27, 1888 | |
| Nebeker, Henry .. | 1 | do | 6 months. | do | |
| Halladay, George .. | 1 | Unlawful co-habitation. | 75 days and cost. | do | |
| Frampton, Charles. | 1 | Adultery .. | 9 months. | Oct. 31, 1888 | |
| Kimball, A. A. | 1 | do | 8 months and cost. | Nov. 3, 1888 | |
| Hawkins, Eli B .. | 1 | Unlawful co-habitation. | 5 months, \$200, and cost. | do | |
| Meller, James .. | 1 | do | 5 months and cost. | do | |
| Fraser, Robert G .. | 1 | do | Fine \$100 and cost. | do | |
| Duce, Thomas .. | 1 | do | 3 months, \$100, and cost. | Nov. 9, 1888 | |
| Hill, Daniel | 1 | do | 6 months, \$100, and cost. | do | |
| Webb, William .. | 1 | do | 8 months. | Nov. 10, 1888 | |
| Anderson, O. J. | 1 | do | 120 days, \$50, and cost. | Nov. 19, 1888 | |
| Dorrius, J. F. F. | 1 | do | 4 months, \$50, and cost. | do | |
| Larson, O. C. | 1 | Adultery .. | 5 months and cost. | do | |
| Hanson, Jens | 1 | Unlawful co-habitation. | 3 months, \$50, and cost. | do | |
| Jensen, Sorren C .. | 1 | do | 4 months, \$50, and cost. | do | |
| Jenkins, Richard .. | 1 | do | 120 days, \$50, and cost. | do | |
| Turner, Alfred | 1 | do | 30 days, \$50, and cost. | do | |
| Christiansen, W. | 1 | do | 3 months and cost. | do | |
| Herron, O. F. | 1 | Adultery .. | 90 days. | do | |
| Spencer, Jno. | 1 | Unlawful co-habitation. | 4 months and cost. | do | |
| Cluff, Sam. S. | 1 | do | 4 months, \$50, and cost. | do | |
| Jones, Albert | 1 | Adultery and unlawful co-habitation. | 14 months, \$20, and cost. | do | |
| Gallup, William .. | 1 | Unlawful co-habitation. | 90 days and cost. | do | December 20, 1888. |
| Harmer, Loren .. | 1 | do | 4 months, \$100, and cost. | do | |
| Nielson, Hans | 1 | do | 3 months, \$100, and cost. | do | |
| Day, Eli A. | 1 | do | 5 months, \$150. | do | |
| Stewart, R. H. | 1 | Adultery .. | 7 months. | do | |
| Nealson, Neal P .. | 1 | Unlawful co-habitation. | 4 months and cost. | Nov. 20, 1888 | |
| Sorenson, Lars O .. | 1 | do | 60 days. | Nov. 21, 1888 | |
| Poulsen, P., No. 2 .. | 1 | Adultery .. | 39 months. | Nov. 22, 1888 | |
| Peterson, Hans J .. | 1 | Unlawful co-habitation. | 4 months. | Nov. 24, 1888 | |
| Bailey, Chas | 1 | do | 14 months, \$100 and cost. | do | |
| Hansen Willard .. | 1 | do | 3 months, \$200 and cost. | do | |
| Hawa, Albert | 1 | do | 95 days, \$50 and cost. | Nov. 26, 1888 | |
| Stander, Henry .. | 1 | Adultery .. | 6 months. | do | |
| Obray, Thos. W. | 1 | Unlawful co-habitation. | 5 months and cost. | do | |
| Sorrensen, Jens .. | 1 | do | 95 days, \$50 and cost. | Nov. 28, 1888 | |
| Baily, Geo. P. | 3 | do | 6 months. | Nov. 28, 1888 | |
| Jensen, Christian .. | 1 | do | 2 months, \$150 and cost. | Dec. 1, 1888 | |
| Thorp, Richard .. | 1 | do | 4 months, \$100 and cost. | do | |
| Brown, James H. | 1 | do | 4 months, \$200 and cost. | do | |
| Cook, P. W. | 1 | do | 1 month. | do | |

Utah penitentiary report, 1888—Continued.

| Name of prisoners. | District. | Crime. | Sentence. | Date confined. | When discharged.— Remarks. |
|-------------------------|-----------|------------------------|---------------------------|----------------|-------------------------------|
| Davis, George | 1 | Unlawful cohabitation. | 3 months and cost. | Dec. 1, 1888 | |
| Thorp, John | 1 | do | 6 months, \$100 and cost. | do | |
| Davidson, Robert.. | 1 | do | 4 months, \$100 and cost. | Dec. 5, 1888 | |
| Barrett, C. H. | 1 | do | 3 months and cost. | Dec. 6, 1888 | |
| Hansen, Andrew .. | 1 | do | 6 months | Dec. 8, 1888 | |
| Hill, William H. | 3 | do | 6 months | Dec. 10, 1888 | |
| Newberger, F. A. | 1 | do | 6 months, \$100 and cost. | do | |
| Fahrmann, Jacob .. | 1 | do | 3 months, \$50 and cost. | do | |
| Wade, James M. | 1 | do | 4 months and cost. | Dec. 13, 1888 | |
| Jensen, Peter C. | 1 | do | 6 months, \$100 and cost. | do | |
| Forsgren, Peter A. .. | 1 | do | 3 months and cost. | do | |
| Jorgensen, Peter .. | 1 | do | do | do | |
| Keller, James. | 1 | do | 6 months and cost. | do | |
| Jeppason, Jeppa. | 1 | do | 3 months and cost. | Dec. 13, 1888 | |
| Tingey, Henry | 1 | do | 4 months, \$200 and cost. | do | |
| Anderson, Peter. | 1 | Adultery | 18 months | do | |
| Perkins, Bing. | 2 | Unlawful cohabitation | do | Dec. 19, 1888 | |
| Langford, James H. .. | 2 | do | do | do | |
| Ammundson, A. | 3 | do | 80 days, \$65. | do | |
| Anderson, Andrew .. | 2 | do | do | do | |
| Chamberlain, T. | 2 | do | do | do | |
| McKeavey, C. | 2 | do | do | do | |
| Covington, J. T. | 2 | do | do | do | |
| Bateman, Samuel .. | 3 | do | 85 days, \$75. | do | |
| Woolley, Sam'l W. | 3 | do | 99 days, \$80. | do | |
| Barney, Jere H. | 2 | do | do | Dec. 23, 1888 | |
| Watson, L. D. | 2 | do | do | do | |
| Butler, Wm. R. | 2 | do | do | do | |
| Webster, Frances. | 2 | do | do | do | |
| Jones, S. F. | 2 | do | do | do | |
| Topham, S. F. | 2 | do | do | do | |
| Lee, William H. | 1 | do | do | Dec. 24, 1888 | |
| Norton, A. | 1 | do | do | do | |
| McKinnon, A. | 1 | do | do | do | |
| Swenson, Peter | 1 | do | do | do | |
| Wheelwright, M. B. | 1 | do | do | do | |
| Crawshaw, Robert. | 1 | do | do | do | |
| Ast, John | 1 | do | do | do | |
| Rasmussen, N. P. | 1 | do | do | do | |
| Box, Elijah | 1 | do | do | do | |
| Nye, Stephen | 1 | do | do | do | |

SUMMARY.

| | |
|-----------------------------|-----|
| Bigamy | 1 |
| Polygamy | 2 |
| Incest | 2 |
| Adultery | 15 |
| Unlawful cohabitation | 219 |
| Total | 239 |

ARGUMENT OF C. C. BEAN.

The CHAIRMAN. Mr. Bean, who was a former delegate to Congress from the Territory of Arizona, desires to make a brief statement.

Mr. Bean addressed the committee as follows:

Mr. Chairman and gentlemen of the committee, I am somewhat in the position here that Mark Twain was when he went over to Boston to introduce Joe Hawley to a Boston audience. He said:

So far as his literary attainments are concerned, I do not vouch for them. I am here merely to back up his moral character. He is a neighbor of mine and my vegetable garden butts up against his house. I have never caught him carrying off my vegetables. He is also a member of my church and I have never known him when the contribution box was passed around to take out a dollar.

I am here at nobody's instigation or solicitation to say a few words in reference to my Mormon neighbors. Utah is a neighbor of Arizona, and there are 25,000 or 30,000 people who belong to the Church of Jesus Christ of Latter-Day Saints who I once solicited to vote for me as the Republican candidate for Congress and they all voted against me, so that politically I owe them no obligation on earth. I owe my neighbor, however, this obligation as a good citizen: I will not stand by and see him oppressed, or maligned, or persecuted, whether he is black or white or red or yellow. I believe that a man in this country has the right to indulge in any religious belief that he chooses. He can worship the sun, moon, and seven stars and that is his business. He can worship a woman if he wants to; sometimes that is esteemed a blessed privilege. He can worship a wagon-wheel and get down and say his prayers to it when it refuses to turn, and when he has greased the axle and is ready to move on nobody in this country knows and nobody cares the upshot of his wagon-wheel prayers.

In 1869 or 1870 I had some curiosity to find out the character of my neighbor. I went across northern Arizona, and I swam the Big Colorado at Stone Ferry, with four ten-mule teams, just before the June rise of that river. I had some mules clawing the gravel, while the rest were swimming when I got over. I went up through the Territory of Utah and spent a good deal of time there. I stopped with all the Mormon bishops in the great thoroughfare from Saint Jo, Saint Thomas, and Saint George, Beager and Cedar and Salt Lake City. From that day to this—well, nearly twenty years—I have been drawn frequently amongst the Mormon community. I employ hundreds of them, and I have this much to say, that I have found them as good a class of people as I have ever met in my—life and I was born in New Hampshire and resided in New England and I have not forgotten my home—honest, temperate, industrious, and economical to the last degree; they are as good neighbors as I ever want, if I could only get them to vote for Bean. But I say that the literature of this country, as far as I am aware, abounds with more misrepresentations, to call it by a very mild term, respecting the Mormons, than any other class of people I know of.

When this act, which is now known as the last Edmunds act, was brought up in the Forty-fifth Congress, I appeared before Senator Edmunds and I said to him:

This is a piece of useless legislation and pernicious. I say polygamy is dead. You have already extinguished it. You need not pass this act to wipe it out. I know of my own individual knowledge that polygamy is as dead as slavery, and I think is a little deader, and in passing this act there are three things I would like to see done. The first is, I would wipe out the prohibition of woman suffrage, and the next thing is, I would not undertake to despoil the Mormon Church of the little property

they possess. The churches are barns; they have no lofty cathedrals. Millions of property are held by other religious denominations in this country, and has been shown here to-day. The property of the Mormon Church is utterly insignificant, and I would not undertake to enrich the United States Treasury by throwing in what little property they possess.

However, the law was passed, and in my Territory I know that polygamy is not practiced. There have been some cases of unlawful cohabitation. They dragged down three Mormon bishops from the adjoining county and brought them over the mountains nearly 150 miles and had seventy-five or one hundred witnesses against them, but they found they could not prove anything against them, so they shifted the indictment to unlawful cohabitation, and after they had convicted them of that they passed sentence upon them under the law prohibiting polygamy. They sentenced them for three years of hard labor in the State prison, and they were sent to Detroit, and I brought the matter up before the Attorney-General of the United States, and he looked over the papers and said it was "the damndest outrage he had ever known."

The CHAIRMAN. What Attorney-General was that?

Mr. BEAN. General Garland. I then went to the President of the United States and told him I wanted these men taken out of prison. He said, "What did Garland say?" I said, "Shall I tell you exactly what he says in regard to this?" He said, "Yes," and I repeated it. The papers were taken over there and I waited a month until he signed them and I took these Mormon bishops out of prison to which they were unlawfully condemned.

The CHAIRMAN. Were they pardoned?

Mr. BEAN. Yes, sir; they were pardoned. Well, now——

Mr. STRUBLE. Were these recent pardons you speak of?

Mr. BEAN. It was last year. When the proposition comes up that Arizona shall come in as a State—we have got about 20,000 or 30,000 Mormons in our Territory, and I do not want Arizona to be kept out of the Union because these are Mormons and vote the Democratic ticket. I like my Democratic neighbor not quite as well as myself, but I like him. We want at some time to come in, and I do not know of any reason on earth why Utah, with her 225,000 people and a majority of them Mormons, need not be admitted into this Union as well as if they were Roman Catholics or fine old Presbyterians.

When I was in Salt Lake City, in 1869 or 1870, I had a long interview with the United States district attorney at that time—I have forgotten his name, I am sorry to say—but he told me that all of this hoodoo about Mormonism arose from this fact: When the great emigration took place to California in 1849 and in the 50's, there were stranded upon the shores of the Great Salt Lake a vast multitude of fellows who did not know exactly how to get a living and some of them remained there, and the question was whether they could not benefit their fortunes by endeavoring to steal the rent-roll of Salt Lake City. Now I should be very glad indeed, as a neighbor to Utah, to see her admitted to the Union. So far as the Mormon hierarchy is concerned, I have no doubt in the world that the Mormon bishops in my Territory all direct their people as to how they would like to have them vote, and that they did vote the Democratic ticket in consequence; but I do not know of a church hardly in this country but what undertakes to influence its members in a political question when they come to the polls. Church influence ought to be worth something at the polls, and I do not know why the Mormons should be exempt.

The CHAIRMAN. You mean the same influence as used by other denominations ?

Mr. BEAN. Yes ; and no more.

Mr. WARNER. Pardon me for a moment. I understand the statement is that you have no doubt the bishop did direct the members how to vote, and the chairman's question is, did they do that any more than was exercised by other denominations.

Mr. BEAN. Not at all, and I endeavored to find out to the best of my ability, and I saw the Mormon bishops in that respect in my own county.

Mr. BASKIN. Did they all vote as the bishop directed ?

Mr. BEAN. Out of 2,000 Mormon votes Bean got 17, so I will swear they did not evade the Mormon bishops' influence.

Mr. STRUBLE. Perhaps they did not receive orders in time.

Mr. BEAN. However, I have said all I have to say, and I am very much obliged to the chairman and the committee for allowing me to be heard.

Mr. STRUBLE. There is one question I would like to ask. Is it your opinion the Mormon bishops endeavor to influence the members in voting at all elections generally.

Mr. BEAN. I do not know how it is in all elections, as I am only speaking of those within my own county.

Mr. BAKER. You are expecting to have their votes next time ?

Mr. BEAN. We hope we may.

A MEMBER. Do not the manufacturers of New Hampshire sometimes influence their workmen in that respect ?

Mr. BEAN. Yes, sir ; they do. I run a copper mine and probably I employ a hundred men working, and I want them to vote according to my directions, but I would not discharge a man because he refused to vote the way I wanted.

The CHAIRMAN. What were the influences to which you refer that were used by the bishops of the Mormon Church ?

Mr. BEAN. As near as I could find out, it was simply this : They considered the Mormon people were a little better treated by the Democratic party than by the Republican party.

The CHAIRMAN. Were they coerced in any way ?

Mr. BEAN. No, no ; not at all.

Mr. WARNER. In answer to the chairman, I understood you to state that they went to the Democratic party because they considered they were better treated by the Democratic party ; was it because the Democratic party was a little more in sympathy with their habits ?

Mr. BEAN. That is it exactly.

Thereupon the committee adjourned until 10 o'clock Monday, January 14.

COMMITTEE ON TERRITORIES,
Monday, June 14, 1889.

The committee met pursuant to adjournment, and proceeded to hear further argument.

ARGUMENT OF JUDGE J. R. McBRIDE.

Judge J. R. McBride addressed the committee as follows:

Mr. Chairman and gentlemen of the committee: I have been for some fifteen or sixteen years a resident of the Territory of Utah, and have some practical acquaintance with the condition of affairs there. I have during that time practiced my profession as a lawyer, and have been engaged principally in the duties that pertain to that profession, and have taken a certain interest in public affairs, such as a good citizen has a right to take everywhere in this country. I became acquainted with that condition from practical experience, and I am among those whom my friend Mr. Caine, the Delegate from Utah, has denominated "The Anti-Mormon Ring" of that Territory, and represent what I conceive to be the sentiment of the non-Mormons of that Territory. Perhaps for ten years prior to this time, until last October, I was chairman of the only political organization in that Territory that has taken any action in politics there in opposition to the Mormons. This is the Liberal party, which is made up of Republicans and Democrats. My Mormon friends are in the habit of saying I am a mere agitator. I belong to that class whom Mr. Richards has denominated "adventurers," a "political band," which he regards as being at enmity with the Mormon people, whom he represents. I am ready to give an account for the faith that is in me.

This is the fifth time that Utah has made application to be admitted as a State. The first application was made as early as 1850, when the population amounted to probably 15,000 people. I think the boundaries of the State, as then presented to Congress for admission, included about 300,000 square miles, and extended from the Pacific Ocean to the summit of the Rocky Mountains, and included part of the Territories of Wyoming, Idaho, the whole of Utah, part of Arizona, a good share of Nevada, and some of California; so, even in their early days, these people were not very modest in the amount of territory they wanted to include in Utah as a State.

These boundaries have been, of course, very much reduced by Congress, so that the application now for the admission of Utah as a State contains an area of about 84,000 square miles. The population has very largely increased, and in all that has been said in regard to the country, its mines, its resources and population, I take pleasure in concurring with those advocating its admission. I think it has the necessary population, and it has the necessary resources.

Mr. BARNES. In speaking of the population of about 15,000 at the time of the original application, do you mean it was 15,000 within the limits of Utah—the present limits of Utah?

Judge McBRIDE. I presume so, because the population at that time was principally in the valley of Salt Lake, and it was located principally in what is now known as Utah, a portion being, as I understand it, in California at that time, and other settlements; but the principal population at that time was in the valley of Salt Lake; perhaps three-fourths of it.

Mr. WILSON. Was it, at the time the first application was made, defined as a Territory by Congress?

Judge McBRIDE. Not by Congress.

Mr. WILSON. Was it defined as a Territory?

Judge McBRIDE. No, sir; it was before the organization of Utah as a Territory at all. The first application was made before the act of Congress organizing the Territory of Utah in 1850. The constitution was framed either in the closing months of 1849 or the opening months of 1850; I have forgotten the precise date.

Several other applications have been made since, but as they are not material to the argument, I will not refer to them particularly. I repeat, however, that in point of resources and population to sustain a State government, I think no reasonable objection can be made to Utah with its boundaries as at present defined, and my argument will proceed upon the admission of all that has been said upon that subject.

The argument of Mr. Richards the other day—which I had the pleasure by his courtesy of looking over, so I might inform myself more in detail than by listening to it—as it was made here, is based upon, first, the idea that the people he represents here were the pioneers of that country, and he gives them all the credit which properly belongs to pioneers. I belong to that class of people myself; I was a pioneer in the West and antedated the pioneering of the people whom my friend represents here. I was in the valley of Salt Lake before the Mormon settlers had ever set foot within its limits, before any settlement was made there; and when my friend tells you that they redeemed the “Western Desert” by their industry, I want to say perhaps he is not as well informed on that subject as I am. There never was a more inviting country to the settler than the Territory of Utah before they went there. I have had my moccasins wet with the dew on the grass while riding on my horse, in passing through the meadows of Salt Lake Valley before it was ever settled. And I know that the “mountain men,” who are the original “pioneers,” regarded it as one of the most inviting fields for the settler anywhere in that mountain country, as undoubtedly it was.

I will also further say that, far from “blazing” a way across the country along that which has now become the great highway known as the Pacific Railroad, the road the Mormons traveled into that valley was as plain and well-beaten a track as the old military road from Wheeling to Baltimore fifty years ago. I traveled it myself, and it was as plain a track there as Pennsylvania avenue is from the Capitol to the White House. Thousands of people, with families, with teams, and cattle, and horses, had traversed that country before any of those people had undertaken to break through the mountain difficulties and wilderness between the Missouri River and Salt Lake. There was no more difficulty in going that 1,200 miles—not as much as in the early days going from Buffalo, N. Y., to the State which your honored chairman now represents. It was a fine natural highway; they had nothing to do except to drive the teams along a plain, open wagon-way; and while I have no doubt that the people suffered the hardships of pioneers, incidental to the settlement of a new country, the credit my friend gives them of being *the* pioneers is an overestimate of their merits. We, who went 1,000 miles farther, had to cross what we called the American Desert, beyond Salt Lake. That was the worst part of the trip and so regarded.

I do not make this criticism for the purpose of detracting from the merits of those who went into that isolated country, but that this committee may know what the exact facts are. There were at least two wagon roads into Salt Lake Valley when the Mormon people went there;

one through Cache Valley, traveling the trail made by Captain Bartleson in 1841, from Jackson County, Mo., the section of country which my friend on the right (Mr. Warner) knows, as I understand he now represents it, which was the route I went. The other one followed through Echo and Weber Cañons, the present route of the Pacific Railroad, and went down Emigration Cañon, and traveled by the Downer party preceding the time the Mormons made an entrance into Salt Lake Valley.

I refer to these things that the committee may have a history of the true facts before them. I give the Mormons due credit for all they endured, because I know what a pioneer's life is—I have gone through it myself. They went to that valley as a matter of choice. My friend says they were "driven" from Missouri and Illinois into the wilderness; driven, as the gentleman claims, because of their religious belief, and here I pause to make this inquiry. It will appear singular to this committee that of all the people in this country the Mormons alone have been compelled, as they claim, to change from one locality to another because of their religious belief—from Kirtland, Ohio, to Jackson County, Mo., and from Missouri to Illinois, and from Illinois to Salt Lake.

Why is it that in this country, where everybody is tolerated, where religious belief has perhaps the widest toleration of any country in the world, that people could not tolerate their presence even in tolerant Ohio, in tolerant Missouri, in tolerant Illinois, and they were finally compelled to go into the wilderness? I say, gentlemen, it is *prima facie* evidence that there is something radically wrong; that there is some reason that applies to them that applies to nobody else. It is history that a prophet of this church, leader of the Mormon people, left Kirtland, Ohio, in the night time, followed by the officers of the law, and that he never returned. It is history that the leader—

Mr. RICHARDS. Will you tell me what history relates that fact?

Judge McBRIDE. I think Mr. Stenhouse, in the History of the Rocky-Mountain Saints, and he was at one time and for many years a member of that church, uses this language: "Joseph Smith and Orson Pratt went from Kirtland by the light of the moon, pursued by the officers of the law."

Mr. RICHARDS. I never heard that statement before, so I inquired for information.

Judge McBRIDE. It is a fact that he never returned, and it is a fact within my knowledge that Brigham Young, the head of the church in Utah, had an action brought against him in Salt Lake for debt incurred in Kirtland, Ohio, in reference to some bank that caused this flight, and he successfully opposed the action on the ground of the statute of limitation. It is history that those people left the State of Missouri, charged with the grossest of crimes. I use the language of Gen. John B. Clark, who, I believe, is the father of the present Clerk of the House of Representatives, who I remember as a boy in the State of Missouri where I lived. He said in his report to the Governor of the State while he was commander of the militia of Missouri, that "These people in the State of Missouri have been guilty of every crime in the calendar, from treason to petit larceny." That was the indictment which was made against them by the State of Missouri when they went to Illinois. The history of this people in Illinois was precisely what it had been in Ohio and Missouri, and after a few years of toleration, they were compelled to what they claimed was forced migration. It is not for me to say there were not faults on both sides. I admit that, in my opinion, there were.

I presume there were. The massacre at Hawn's Mill would appear to those who read the history of it a very bloody, unprovoked affair.

Mr. RICHARDS. Yes, and one of my uncles was a victim of that brutal massacre.

Judge MCBRIDE. I had an uncle who lived within 3 miles of Hawn's mill; I was the executor of Jacob Hawn, at his death, drew up his will, and settled his estate, and I knew him a great deal better than I know Mr. Richards. Mr Hawn has twenty times, I suppose, given me his history of this affair. He was not a Mormon, although his wife and family were, and he lived among the Mormons in Missouri, going from there to Oregon. He himself was one of the victims, and was wounded, and he felt no great consideration for those concerned in it, but by his own account there was much provocation. When smoke-houses were robbed, and corn-fields were stripped, and horses stolen, and property destroyed, and the people believed that these strange people who had come among them—Mormons—and set themselves up as being above the law and any civil authority, were the guilty parties, there was much to palliate what followed. At all events, they left Missouri under those circumstances. I will not detail their going to Far West and remaining there for a time, and thence to Nauvoo, but my point is this, that wherever the Mormons have been, I care not whether it has been in Ohio, Missouri, Illinois, or Utah, for some reason they have been unable to live at peace with anybody except their own people. I say it goes to show there is something essentially wrong in their system. And I say it is because they are un-American. They are separate and distinct, and, to use their own language, they are a "peculiar people;" that they are really "God's people separate and apart from the rest of the world."

They went to Utah for the purpose of isolation, and they secured it, and for ten years these people were isolated from all the world, had their own way, and at the end of that time what do we find? They had not been meddled with by outsiders, laws had not been enforced against them, except as they made them themselves. And yet, at the end of ten years from 1847 and 1848, from the time they organized local provisional government there, we find these same people in direct conflict with the Government of the United States, and in open, armed rebellion. The President of the United States at that time found it necessary to dispatch an army in order to enforce the laws. What sort of greeting did they receive? On the way the trains that carried the food and supplies for the army marching under the flag of the country, the stars and stripes, were destroyed and burned by the Mormon people, while Laf. Smith, who is now at the head of the Arizona Mormon settlements, and who was then a leading man among the Utah Mormons, was in command of the Mormon militia that captured these trains and burnt the supplies. They drove the stock into the valley of Salt Lake and left the army, so far as they could deprive them, of even the means of subsistence.

Brigham Young was then governor of the Territory, and issued his proclamation calling out the militia to resist the Army of the United States, and issued a proclamation commanding the Army to retire from the Territory by the route which they came, and that if they did not they would be met by the armed forces of the Territory. The result was subsequently an armistice and submission, and then the President granted them pardon. Their history has been the same from the beginning down to the present time. It has been one continual struggle against everybody else except themselves, and open rebellion in their own Territory against the Government and laws of the United States.

When the Territory of Utah was organized they commenced a system

of independent legislation. That system, I undertake to show, if you gentlemen will review it, has been vicious in the extreme. They organized a land system for the Territory. They had a surveyor-general to survey the lands and parcel them off among the people of the Territory, and when the Government of the United States, in 1855, sent its surveyor-general there, the feeling against interference on the part even of the Government in surveying the land was so great, that the monuments made by the surveyors were destroyed and obliterated.

Mr. RICHARDS. I would like to see some evidence of that fact.

Judge MCBRIDE. I refer to the report of the surveyor-general of Utah, Mr. Burr, on file in the Land Department, and that was the report which largely influenced the President when he sent an army there.

Mr. RICHARDS. What was the date of that report?

Judge MCBRIDE. I think it was in 1857, but I have not seen it for years; but it is part of the archives in the General Land Office here. The surveyor-general reported to the President of the United States that he was in danger of his life, because he was surveying the public lands of the Territory of Utah and in disregarding the laws of that Territory, which provided for a surveyor-general of their own.

My friend says that they do not regard the church as being their master out there. Why, gentlemen, the Mormon people do not regard anybody else but the church as being at the head of government and entitled to allegiance. I know that many persons suppose that the very lands they enjoy they get from the church. You take an ignorant Scandinavian, a foreigner who is brought to New York and put on board the cars there and carried to Salt Lake and receives his little piece of land from the bishop and is told to make a home; he understands he gets it not from the United States, but from the Church of Jesus Christ of the Latter-Day Saints.

Mr. RICHARDS. Would you please tell us the name of a bishop who has parceled out lands in that way? I have never heard of an instance of that kind.

Judge MCBRIDE. I know of an instance where the bishop has refused, and I will give the name. I have been attorney in some of these cases. It is not an uncommon thing. The settlements there are very close together; they are little villages, surrounded by farms.

The land is parceled out in 10, 20, 30, and 40 acres, which are small farms, especially in the West, where there are large grants. When these lands were surveyed and titles acquired there would be, in many cases, a dozen people living upon one quarter section, and the result would be that under the law one man was authorized to acquire that title. (I think the law authorizing that sort of entry was passed afterwards.) So all parties would agree that one man would get the title for, say the whole 160 acres, with the understanding that he was to represent all who live on the land and they all contribute their proportion, with the agreement that it should be parceled out to them. Generally that is the bishop, or some leading man. I know of one case, because I was attorney and brought an action to compel the bishop, who, because the man had apostatized from the church, said "he does not belong to us any longer and he can not have this land." He was requested to make over the title which he had acquired, which was in violation of the law, which requires a man to swear that he was acquiring this land for his own purposes. I brought that action in behalf of my client (I spoke of *him* as being an apostate; it was a woman, and her name was Vincent); the case of *Vincent vs. Stewart*. I brought an action to compel

the bishop to convey it to the woman. He made a defense that the United States statute made it illegal to acquire a title in such way, and that the contract between him and this woman, in regard to receiving the title, was one that could not be enforced. The court thought that that was not a good defense and compelled him to make the conveyance. That is one of the first cases I know of there and one that created a great deal of interest all over the Territory.

I instance these things for the purpose of showing how thoroughly it was understood among the common people there that even the titles to their land came to them, not from the United States, but from the church.

Mr. RICHARDS. Excuse me, but I do not understand you. I understand your statement to be that the bishop parcels out the land there to the people as they come from abroad. That is what I desire information upon, as this is something that is absolutely new to me. I never heard of it before, and I would like to understand about it?

Judge McBRIDE. I do not know as to that, but I think that is generally understood to be the fact by the common people.

Mr. RICHARDS. I never heard that before, and I deny that that is a fact.

Judge McBRIDE. There are some things that my friend will not deny, or anybody else. He will not deny that the legislature of the Territory in 1851 granted all the timber of City Creek Cañon to Brigham Young for \$500 in proprietorship. That is the cañon whose waters supply Salt Lake City, and was a resort for timber in the early days, because it was the most accessible of any to that city; and yet, in 1851, when improvement had just begun, for the petty sum of \$500 they granted the entire cañon to Brigham Young, and he exacted, as I am informed by those who were there, every third load of wood as royalty, even for fire-wood.

Mr. RICHARDS. Do you know that a large amount of money had to be spent making a road up City Creek Cañon, and is not the royalty you speak of simply a toll for using the road?

Judge McBRIDE. I am not giving the reason; but the law of Congress forbade the Territory of Utah from having anything to do with the "primary disposal of the soil," and here was an actual grant, which my friend admits, which Brigham Young enforced against the people.

Mr. RICHARDS. I do not admit that in the broad way you speak of; but we will have something to say about that later on.

Judge McBRIDE. In the same volume which contains this statute there is another statute which granted Antelope Island, in the Great Salt Lake, which contains about 28,000 acres of land, and is now a most valuable property, owned by private parties, worth hundreds of thousands of dollars—they granted it directly to Brigham Young in proprietorship, to hold and enjoy, and it is known to-day as the Ranch of the Church of Jesus Christ of Latter-Day Saints. Stansbury Island, situated a few miles to the west of it, and which is not so valuable, was also granted to Brigham Young as trustee in trust for the Church of Jesus Christ of the Latter-Day Saints.

Mr. WARNER. Upon any pecuniary consideration?

Judge McBRIDE. No, sir.

Mr. MANSUR. Was it granted by the Territorial legislature?

Judge McBRIDE. Yes, sir. You will find in the statutes of 1851 the date of these grants and why they are granted. I refer to these things for the purpose of showing that these people regarded themselves as proprietors of the land. They claim that they are "the people," and

that everybody who comes there are "outsiders," and they had the right to appropriate the country. And I very well recollect the first year I was in Utah, and practiced my profession, that I sat and heard my friend Mr. Baskin conduct a case in regard to some property in Salt Lake City, and I heard what Brigham Young testified to when he spoke about the proprietorship of certain lands. Mr. Baskin asked him "by what right do you claim this property?" and he answered in a very insolent way, "By the right of discovery."

Mr. WARNER. When the Mormons went there that territory belonged to Mexico.

Judge McBRIDE. Yes, sir. In 1847, when they went there, it was Mexican soil. My friend says in 1847, on their first arrival, they hoisted the American flag, the Stars and Stripes, which seems entirely consistent with their prior history.

They seem to have been in rebellion against every country they ever lived in. When they were in Missouri, they were against the Missourians. When they were in Illinois, they were against the Illinoisans, and when they get to Utah they were against the sovereign of that country, then Mexico, and so hoisted the stars and stripes. That is only part of their general idea. So that when we come to the Territory of Utah, where there is a direct conflict between the Government and these people, and reflect upon what their history had been, we find them perfectly consistent; and again I put the question, and I would like to have my friend on the other side answer it, why these people have been utterly unable to live in harmony with any people about them anywhere since the day of their existence? There has been no explanation except one, and that is, their system is at war with all other systems. Their system, according to Orson Pratt, one of their leading men, is that "all man-made governments are illegal." They say the Constitution of the United States was given by inspiration, and therefore they submit to that, and it is the only legal document they acknowledge and the only document made by men not Mormons which they acknowledge, because it was, as they say, inspired. "All man-made governments"—their favorite expression—"are illegal." Starting upon that principle, we can get more light upon the difficulty.

Mr. RICHARDS. Before you proceed, I want to call your attention to the fact, as I understand it, that the paper in which Orson Pratt enunciated that doctrine is not recognized by the Mormon people.

Governor WEST. What evidence do you give of that? Have you got anything to show it is not?

Mr. RICHARDS. I can produce evidence if it is necessary and I have time to do it. But it is sufficient now to state that Brigham Young publicly repudiated the writings of Orson Pratt as "vain philosophy."

Judge McBRIDE. All I have to say in reply to that is, that Brigham Young stated publicly that he was governor of this people by law given by Almighty God, and when the Almighty God told him to lay down his governorship he would do it, and not before. He recognized his right to come from on high and nowhere else. That was when he was president of the Church and governor of the Territory, and when he was discussing before his people the very question involving what is called the Mormon war. And their theory of government is that they are the chosen people of God, that they are governed by direct revelation from God. That I understand to be Mr. Richards's creed; that when God reveals his law through his prophet, the duty of the people is to obey instead of being governed by what we call a republican system, which is a government derived from the people; their theory is that

all lawful governments are derived from God, and come down from above, and *the people are to accept them.*

They reverse, in other words, the American theory of government, and stand the pyramid upon its point, instead of upon its base. Hence it is that the president of the church is a law unto the people. His deliverances are accepted by them as coming from above, and they are to be obeyed as any other revelation that men believe comes from God. It is this, gentlemen, that leads us to say that the church in Utah dominates the State, and that when the head of the church speaks the people are bound to obey. My friend says they are the most democratic people in the world. Nominally they are. They are bound to accept when a man's duty is to accept. If he believes he must accept what comes by authority from above, it seems to me to consult him about it is idle.

Here I will make a remark in regard to the manner in which this constitution, which is now presented, asking for admission as a State, was gotten up. The People's party in Utah is made up of Mormans. I do not know of a Gentile who belongs to it.

Mr. RICHARDS I do.

Judge McBRIDE. Well, there are exceptions to almost all rules, and I will not say there may not be one. I do not know of a Mormon that belongs to the Liberal party.

Governor WEST (to Mr. Richards). Will you name one?

Mr. RICHARDS. I decline to give any names for the same reason I stated on Saturday.

A MEMBER. Is he ashamed of his affiliations?

Judge McBRIDE. As I was proceeding to say, this constitution was formed in this way: The chairman of the committee of the People's party of Utah called mass-meetings to elect delegates to a constitutional convention. There had been no discussion in the press, not a word had been said publicly, and no one knew of such a thing any more than a clap of thunder out of a clear sky. One morning there appeared in the newspapers a call for a convention, issued about the 15th of June, to meet in the various counties in mass-meeting on the 25th of June, and elect the delegates who composed this convention.

Mr. WARNER. Who issued the call?

Judge McBRIDE. The chairman of the People's party of the Territory.

Mr. STRUBLE. Was he a Mormon?

Judge McBRIDE. Yes, sir.

Mr. MANSUE. I understood you to say that you did not know of any Gentile being in it.

Judge McBRIDE. Yes, sir. It was not by any authority of law, or of the local legislature; not by any public discussion that took place; no public meetings were held; no suggestions were made before that call came out. Then a day or two after that—I will say here that the two national parties have a sort of skeleton organization in Utah; the Republican party has an organization, and the Democratic party has also an organization, which is with a view of sending delegates every four years to the national conventions; they have never taken any part in local politics—each of these organizations was addressed and asked to take part in this meeting. Both of them responded through their chairman, and declined to have anything to do with the convention, on the ground that the people had not been consulted, and the question as to whether it was a proper time had not been under discussion and consideration, and that they would not have anything to do with it. Then mass-meetings were held, to what extent I do not know,

but delegates at all events assembled under that call and framed this constitution which is presented here. It was submitted to the people for ratification on the 1st day of August following. The call for the convention was issued about the 15th of June, the convention being held early in July, beginning, I think, about the 7th.

Governor WEST. The 7th.

Judge McBRIDE. The 7th of July following, and it completed its labors in about one week, and on the 1st of August this was submitted to the people for ratification, when there was an election held under the laws of the Territory for local officers, and a vote was taken and counted, not officially, but it was understood, I believe, that some boxes were prepared by which these votes were ascertained and counted, and I presume the votes were correctly reported.

Mr. WARNER. Was there a canvass made in favor of or against this constitution in the Territory at all?

Judge McBRIDE. I never heard a public discussion on the subject, and I do not think there was any.

Mr. WARNER. One other question: Do you know whether it was claimed by the advocates of this constitution that this was inspired?

Judge McBRIDE. I do not think I ever heard anything on that subject. I think every Mormon thought it was.

Mr. RICHARDS. I never heard the claim made.

Judge McBRIDE. I do not think I ever heard the matter discussed, unless it was through the newspapers.

Mr. WILSON. I wish you would state whether there was any objection to the provisions of the constitution. I am not talking about the manner in which it was gotten up, but as an instrument of organic law of the State; was there any objection to that section [alluding to the section on polygamy]? Before you get through I will be glad for you to say something in regard to that.

Judge McBRIDE. Very well; I will say what I have to say on that subject before I get through.

As I was saying, this movement for statehood was originated in a very short time, without being talked over, without a pretense of authority of law either in the formation of the constitution, its submission to the people for its ratification, or anything connected with it at all. It strikes me as being one of the most singular things I ever heard of to make citizens of the people of Utah, who are under the control of the Mormon Church and are mere soldiers in an ecclesiastical army. They accept their orders just as soldiers accept the authority of the commander-in-chief when he tells them to face to the right, to the left, or to the front; they do as they are told, and they march them as they march an army. Whenever they tell them to go to the polls and vote, they go, and they know what they are expected to do when they get there. There is next to perfect unanimity. I think there were some 500 votes cast against the proposition. The Gentiles universally declined to participate in the election. A few may have done so, but I think there were some 500 votes cast against it, probably representing some Mormons who did not obey orders, but the great mass of those who voted—about 13,000—were for it. So all this indicates just what we say, that these people are dominated by one power; that they are controlled by what they understand to be the authority of the church. Our friend says there are two objections made, and he treats the objections made to the admission of Utah as a State, one of which is made on the ground that they tolerate polygamy, and then proceeds to show that by this constitution bigamy and polygamy are prohibited.

I want to make one remark there. That is that Mormons make a distinction between bigamy and polygamy and celestial marriage. We do not know of any such distinction, and an ordinary man does not take it in; but a Mormon's idea is that a man who is a Mormon is authorized to do what a man who is not a Mormon is not authorized to do. When he is told by his bishop that he should take a second wife, he thinks he is at liberty to do it; but a man can not enter into celestial marriage without the sanction of his superiors.

Mr. WARNER. When the terms "bigamy" and "polygamy" are used in the constitution irrespective of the authority of the church, which enables him to take a wife, would it receive the same construction by the courts—the same technical construction?

Judge McBRIDE. It would if it was administered by Gentile courts, but the administration would be by the Mormon courts, under this constitution, and you would find a distinction made very quickly the other way.

The following quotation from the Deseret News, the church organ, of December 19, 1881, gives the Mormon view of the subject:

We have repeatedly shown that the Mormon system of plural marriage is not bigamy, in that it does not contain the essential elements of that offense. We have also indicated that, properly speaking, it is not polygamy. Incorrect terms are in some instances used so frequently that they come into common acceptance; and polygamy, in relation to Mormon marriage, is one of them. In reviewing the message of President Arthur we refuted the statement made by him that polygamy is the corner-stone of the Mormon Church, and said that polygamy, speaking properly, is not now and never has been even a tenet of the Mormon faith. In that statement we made no attempt to deny the doctrine of celestial marriage, which is an essential part of the creed of the Latter-Day Saints. What we claim is that *the Mormon system of marriage is, properly speaking, neither polygamy nor bigamy*. In committing bigamy the man perpetrates a deception upon each woman whom he marries, and his offense involves the desertion or forsaking of one woman in the fraudulent marriage of another. The whole transaction is a fraud. Nothing of this kind enters into the marital system of the Mormons. Polygamy is the marriage of several wives or husbands. It is unrestricted matrimony on the part of either sex. This is not Mormon marriage.

Polygyny, which means the marriage of several wives, sometimes, though rarely, used in relation to this subject, is a more proper word than polygamy, but none of these correctly define the system of marriage taught and solemnized by the Church of Jesus Christ of Latter-Day Saints. Celestial marriage is the only proper term to use in this connection. The parties to the marriage in the celestial order are not permitted to form this union at will, but the whole contract is regulated according to revealed principles. *Celestial marriage is introduced for the church, and its practice is not for mankind at large. It is not a matter of civil polity.* It is purely ecclesiastical. There is nothing like it outside of this church. It is *sui generis*; therefore it is not correct to call it bigamy, polygamy, or polygyny. It is celestial marriage, ordained of God for the benefit, exaltation, and happiness of men and women, who are under covenant to serve him in body and spirit and for his own glory and the filling of his creation with his obedient children. When we say that polygamy is not a tenet of the Mormon Church we but affirm the truth, and do not recede from any part of the faith delivered by Almighty God to the Latter-Day Saints. Do not confound for a moment the ancient and holy order of celestial marriage with the bigamy or polygamy of the degenerate modern times.

Mr. RICHARDS. Excuse me for a moment. Do you say that when a Mormon having a lawful wife marries another woman, according to the Mormon belief, that is not polygamy or bigamy?

Judge McBRIDE. No, sir; I did not say that.

Mr. BASKIN. I say it.

Mr. RICHARDS. Then I deny it.

Judge McBRIDE. Now, gentlemen, I do not lay that stress upon the matter of polygamy which other people, outside of Utah, do. I regard polygamy as a mere symptom of the disease; it is a mere scab of the constitutional disease that is within the system. I do not regard polyg-

amy as the great evil in Utah. It is the power which the church exercises over the people which I regard as a fundamental objection to a State government. Polygamy is only a symptom, but it is one that attracts attention by reason of its violation of our ideas of propriety and morality.

Mr. STRUBLE. Is not that violation of law more directly attributable to the priesthood?

Judge McBRIDE. I do not think the violation of the law in that respect exceeds the violation in many others, because the system itself is at war with all civilized government, and therefore I designate the Mormon system as founded in treason to all government; it is essentially wrong at the bottom.

Mr. WARNER. As you have thought this matter over (and I ask for a matter of information), do you regard polygamy as only one of the symptoms of disease or diseases that belong to the Mormon faith; that is, that all lawful governments are founded by God, and all governments not so founded are not lawful?

Judge McBRIDE. Lawful government must have the sanction of the Mormon priesthood, which they say comes from God.

Mr. WARNER. That is, that God speaks through the priesthood?

Judge McBRIDE. Yes; that is the reason why I say it is treason against all government, as I understand it.

Mr. WARNER. These are nice questions, now. In what does that faith differ from the faith of the Jews?

Mr. WILSON. Or the Catholics?

Mr. WARNER. I want your opinion.

Judge McBRIDE. The matter of the distinction of faith is a matter I care very little about. It is the practical effect that I am discussing.

Mr. MANSUR. You do not see any way under the Federal Constitution for us to do anything with their religion, do you?

Judge McBRIDE. No, sir.

Mr. BAKER. You say they admit the United States Constitution is inspired?

Judge McBRIDE. Yes, sir; I understand that to be the statement of Mr. Richards. Now, I use the language which was used in a protest which was made against the enforcement of the Edmunds law some three years ago. This protest was sent to the Congress of the United States, and a copy of it was presented to the President. I believe Mr. John T. Caine was chairman of the committee which prepared it, and I think it fairly represents the sentiment of the Mormon people on this question. It refers to the polygamy question and it reads as follows:

As to our religious faith, it is based upon evidence which to our minds is conclusive. Our convictions can not be destroyed by legislative enactments or judicial decisions. Force may enslave the body, but it can not convince the mind. To yield at the demand of the legislature or judge the rights of conscience would prove us recreant to every duty we owe to God and man. Among the principles of religion is that of immediate revelation from God. One of the doctrines so revealed is celestial or plural marriage, for which, ostensibly, we are stigmatized and hated. This is a vital part of our religion, the decisions of the court to the contrary notwithstanding.

Here is boldly stated the doctrine that plural marriage, which is the point they were discussing, is something beyond the power of legislation and of the courts. Neither the judicial nor the legislative departments have the right or the power to interfere with it. That was presented to President Cleveland by Mr. Caine, he being chairman of the committee, and I think my friend Richards belonged to it.

Every Mormon believes in that. Now, I ask this committee, can a man believe that doctrine and be a true, be a good American citizen? A man who boldly says that a law of Congress which has been declared to be constitutional by the Supreme Court of the United States is **not** to be submitted to, and he can not yield to it—can he be a faithful citizen of the United States? Can a community who believes in that doctrine consistently come and declare, as they do in this constitution, that they will punish that offense which they say is a “vital part of their religion?” When they make that declaration, they are insincere. It has a double meaning. What they call plural or celestial marriage is **not** alluded to in their constitution; they are providing for bigamy and polygamy for Gentiles, and they will not punish plural or celestial marriage, and they do not intend to declare it an offense, or that it is to be an offense—what we understand on the face of that instrument as the definition of such.

Mr. WARNER. This address was adopted May 2, 1885.

Judge McBRIDE. Yes.

Mr. RICHARDS. Inasmuch as you refer to me in connection with that protest, I desire to state there is nothing in that protest which justifies the assertion you make, that it declares these people are justified in violating the laws of Congress.

Judge McBRIDE. It says:

This is a vital part of our religion, the decisions of courts to the contrary notwithstanding.

Here are people who say they can not yield what they believe to be a vital part of their religion, and yet come forward with a constitution proposing to punish—

Mr. BAKER. Mr. Richards, did you subscribe to that declaration, that protest?

Mr. RICHARDS. I did, sir; and I understand the purport of that protest to be that the rights of conscience and belief can not be infringed upon or religious conviction changed by legislative enactment, and that is as far as it goes.

Mr. WARNER. Let me ask you a question. After citing these, what do you understand to be a “vital” part of anything? That without which it can not live, which affects its life and vitality if you destroy it?

Mr. RICHARDS. If you mean by the question whether I understand that the Mormon religion might survive without polygamy, I say most emphatically that it could and did exist thirteen years before polygamy was practiced.

Mr. WARNER. Do you believe it is a vital part of the Mormon religion?

Mr. RICHARDS. In the sense that the Mormon religion could not exist without it, I say no.

Mr. WARNER. Let me ask here; after enumerating plural marriages you say:

This is a vital part of our religion, the decisions of the courts to the contrary notwithstanding.

Mr. RICHARDS. That refers to the belief, to the conviction, that under special circumstances it would be right to have more than one wife. That is a part that is vital. That is the Mormon belief.

Mr. WARNER. Wait a moment.

That under circumstances it would be right to have more than one wife, and that is part of the Mormon belief.

Under what circumstances?

Mr. RICHARDS. I could best answer that question by referring you to the remarks I made before the Senate Committee on Territories at the last session, in which I explained the Mormon belief on this point.

Mr. WARNER. Pardon me again. You believe, then, there may be certain circumstances under which it would be right to have more than one wife?

Mr. RICHARDS. Yes, sir. One of the circumstances or conditions is, if there was no law against it.

Judge MCBRIDE. The law of 1862 existed against it for twenty years, and yet your people practiced it.

Mr. WARNER. Is that the only circumstance?

Mr. RICHARDS. There might be other conditions besides that.

Mr. MANSUR. Does this taking of a celestial wife or a celestial marriage include all the matrimonial indulgences?

Mr. RICHARDS. It may or may not.

Mr. MANSUR. Does it confer that right absolutely if the man wants it?

Mr. RICHARDS. No; not necessarily. That would depend entirely upon the agreement between the parties. If they were married for eternity only, it would not confer the right to cohabit.

Judge MCBRIDE. To me it is utterly inconceivable how a man who believes as Mr. Richards does, that plural or celestial marriage is revealed as a part of the duty of a Mormon—

Mr. RICHARDS. I have not said I believed it is a duty.

Judge MCBRIDE. I am taking this protest as representing your sentiments—who believes that it is a vital part of their religion—I say that to me it is utterly inconceivable how a man who believes that can stand up and say they are ready to punish it by law; and I do not believe there is a Gentile in Utah who believes that there ever would be a conviction if this constitution is accepted.

Mr. RICHARDS. I think we will explain that to the satisfaction of the committee before we get through.

Judge MCBRIDE. I hope you will, as it will relieve a great many people outside of, as well as in, Washington, if that could be done. I know if I believed in any such doctrine as that you would not find me punishing anybody who did what I believed it was my duty and the duty of one of my fellow-citizens—one of my brothers in the faith—to do. I do not know of anything that would force me to punish a man who did that thing.

Mr. BAKER. If you had the legislative power in your hands what would you do in the shape of legislation? Suppose you had the power to amend the constitution and punish, what would you do? (No reply.)

Judge MCBRIDE. We come to this committee and say, from observation and knowledge of these people and their beliefs for forty years, that we do not believe this constitution as brought and presented here expresses what they intend to do. We say, in other words, *they can not be trusted*; and I concur in all that Governor West stated in the interview in the New York Herald, which my friend criticised the other day, that we do not believe they are fitted to enter as a State into the Union holding and practicing these doctrines. Now, my friend has stated, and I understand the Utah Delegate has stated on the floor of the House of Representatives, that polygamy is a "dead issue." Since when has it become a dead issue? Since I left my home within the last ten days a Mormon bishop has been sentenced to three years and six months in the penitentiary. There have been within the last year convictions of co-

habitation which amount to nearly three hundred persons. Two hundred and forty-one indictments for unlawful cohabitation were found in one district in less than six weeks by the grand jury.

Mr. STRUBLE. How long ago?

Judge McBRIDE. Not very long ago—last autumn. I understood my friend to say that Judge Judd stated that polygamy was a dead issue. I do not know that he ever made any such declaration. Judge Judd has been in the Territory about four or five months, and as there have been 240 or 250 indictments for this offense in his district, it would be a very singular thing for him to say polygamy was dead.

Governor WEST. Do you know the number of convictions before Judge Judd?

Judge McBRIDE. Quite a large number; but I do not know about that. I did not go through the calendar.

Mr. STRUBLE. These indictments you speak of are all Mormons?

Judge McBRIDE. I think so; of course there is once in awhile a Gentile.

Mr. STRUBLE. It is material to know whether there are any included in these numbers.

Mr. McBRIDE. There might be one or two, as it is the same with vices in other localities.

Mr. MANSUR. Do these parties submit readily to arrest?

Judge McBRIDE. A good many of them I think have been on what we call the "under-ground" for the last few years. I think one-half of the twelve apostles have been there. I think there were conferences held within the last two years when there were not more than two present of the entire twelve apostles.

Mr. MANSUR. Even here occasionally a man fights an officer and obstructs the service of process. As a general rule, do they submit to a process readily?

Judge McBRIDE. I think they do not, as a general rule.

Mr. MANSUR. I will ask you if, when an officer went to arrest them, he would be in any danger?

Judge McBRIDE. In danger of resistance?

Mr. MANSUR. Do they submit to going into court and giving bond?

Judge McBRIDE. Not very readily. They escape when they can, and a good many of them have gone from the Territory. My friend Mr. Ferry here had a bishop in his own county whose plural wife was sent to the penitentiary for contempt of court for refusing to testify, and remained six weeks.

Mr. MANSUR. How many bishops have they?

Judge McBRIDE. I think about three hundred in all. You can get the exact number. Bishop Roundy, who lived in the only Gentile county in the Territory, when he was indicted left the Territory, and he has gone down where my friend Major Bean lives, and probably works for him now.

Mr. MANSUR. Been there ever since?

Judge McBRIDE. Well, he seems to have found it pleasanter there than where he was living, in a Gentile county. Mr. George Q. Cannon, who was the second in authority in the church, was a fugitive from justice for two years. He forfeited his bond of \$45,000 to the Government. Here about three months ago he came into court and gave himself up and submitted himself to it. The extent to which polygamy prevails may perhaps be indicated by simply saying that of the twelve apostles there are but two or three who are not polygamists; that of the members of the legislature last elected before polygamists were disfran-

chised, of thirty-seven six were not polygamists. I believe Mr. Richards was a member of the legislature.

Mr. RICHARDS. I was not of that legislature.

Judge McBRIDE. He has frequently been there.

Mr. RICHARDS. I have had the honor of being there.

Judge McBRIDE. And the offices of the Territory were generally held by that class of men before they were disfranchised. And I will say it was that class of men who controlled the Territory then; and, although they no longer fill the offices, the fact is that if this constitution is adopted they would control them as before. It is just such men as my friend Richards. Mr. Angus M. Cannon, who has been convicted and sentenced and served his term in the penitentiary for colabitation, is chairman of the Salt Lake County people's committee to-day. He is president of Salt Lake Stake in the Mormon Church to-day. Mr. Rudger Clawson, who served four years in the penitentiary for polygamy, being the second convicted in the Territory, was made president of Box Elder Stake as soon as he came out of the penitentiary by the Mormon Church. A man who was employed to establish houses of ill-fame in Salt Lake City, in order that Gentiles might be entrapped into vice, was convicted, sentenced to the county jail for the offense, after he came out went into a position in Salt Lake City as a public officer. These men are rewarded for what is called their martyrdom and faithfulness to their faith. So far from there being any evidence of their yielding or submitting to the laws of the country, they do not intend to yield, and I regard it as a mere shallow pretense of submission. Their object is to secure entire control of the government there, and then carry on the system according to their views.

Now, my friend says that life and property are protected there, that they are a law-abiding people. I will give an instance to show they are not. I say they are a law-defying people as a people. I refer to a single instance, as it came directly under my notice.

A man by the name of Baker, formerly a member of the legislature of the State of Illinois, and a man who sat upon the district court bench in the State of Nevada, a man of respectability and character, went to Tooele County, about 30 miles from Salt Lake City, to pre-empt a piece of land. He was in a Mormon settlement, and they did not want him, and told him he could not have any land. It was vacant Government land, and he took it up and said he intended to make a home there. When the time came for cutting hay about twelve or thirteen mowers were put in motion on his land and the hay was cut, and he sat in his door helpless and saw it carried off, and he was informed that it would not be wise for him to undertake to interfere, and he did not.

Mr. MANSUR. When was that? I have seen that done in Missouri during war times. I merely want to show it is not always done by a Mormon. If it is the general condition all the way through, and is a recent thing, it would bear with me very differently.

Judge McBRIDE. That occurred about eight or nine years ago, and that is a particular instance. The case, in connection with another case, subsequently came to the Supreme Court of the United States, and the Secretary of the Interior, Mr. Schurz, was involved.

The CHAIRMAN. How did that involve him?

Judge McBRIDE. The land question involved came to the Secretary of the Interior. He was compelled to issue a patent on a mandamus issued by the Supreme Court of the United States. This man stood in his own door powerless and saw his own property carried off. He subsequently went to Salt Lake City on a visit and when he returned his

house had disappeared by fire in his absence. The following day was Sunday, and the Mormons held their regular meeting at Grantsville, in the vicinity, and George Q. Cannon, then Delegate in Congress, was there and addressed them. He referred to this circumstance and to the fact that this man, being an "outsider," had undertaken to intrude on the settlement, and he said—and his language is among the records of the Senate—he said that such men, outsiders, were entitled to a pre-emption "six feet by two," and that they ought to have no more. That language he used in a public meeting. Now, the objection to this man was not that he was not a good citizen. No objection was made to his character as a citizen or a man, but simply that he *was not a Mormon*, and that was all. That is the case of Judge Baker, Mr. Richards.

Mr. RICHARDS. Could you give about the date of that document you speak of as being on file in the Senate?

Judge McBRIDE. I think it was about 1879 or 1880. It refers to the litigation in the McBride land case. It refers to the case where Secretary Schurz has to issue patents to McBride.

Mr. WILSON. Do you recollect whether it is an *ex parte* affidavit?

Judge McBRIDE. It is *ex parte*; but I have conversed also with a gentleman, a Mormon bishop, who was present at the meeting, and he told me what occurred, for he heard it.

Mr. WILSON. You think it was about 1879?

Judge McBRIDE. I think that is about the date of the document, and the proceedings took place, I think, in 1876.

Mr. MANSUR. Are all the bishops of equal church authority?

Judge McBRIDE. If you ask Mr. Richards he can tell you much better than I could.

Mr. MANSUR. Are there classes higher than others?

Judge McBRIDE. I think the bishops have about the same authority. They are generally supreme in their own bailiwick, and the bishop is the man appealed to to decide these things. I think the bishops belong to one grade; there are presidents of "states," who preside over a number of bishops, or embrace within their districts quite a number of bishops.

Mr. WILSON. A kind of presiding elder?

Judge McBRIDE. Perhaps; but when you get into the subject of theology, I have not studied that as much as I have law.

The CHAIRMAN. You have given several instances. Now, how does the community compare for peace and quiet with other neighborhoods in the Territories and States?

Judge McBRIDE. When they are living to themselves—

The CHAIRMAN. Now.

Judge McBRIDE. I say when they are living to themselves I do not know of any disturbances.

The CHAIRMAN. I speak of them as they are now in your neighborhood. How many riots and assaults and batteries do you have?

Judge McBRIDE. I think they compare favorably with other States. I know of no reason to say they are not a peaceful people if there are no intrusions from outsiders.

The CHAIRMAN. We know these glaring instances occur in every community and you can find such cases everywhere.

Judge McBRIDE. The point I make is that they do not occur for the reasons they do elsewhere. They occur with these people because they do not belong to that community, and the objection is not that the man is not a good citizen; there is no objection of that kind. I admit that disturbances occur elsewhere: but here it is because a man does not

subject himself to the domination of the church and does not take orders from the bishop and does not submit to be dictated to; that is the reason for disturbance, and I say that is un-American and unknown elsewhere.

The CHAIRMAN. Do you know of other instances of men being troubled?

Judge McBRIDE. Mr. John C. Young, employed as a reporter on the Salt Lake Tribune, went to Cache Valley and pre-empted a piece of land——

The CHAIRMAN. How many years ago?

Judge McBRIDE. Probably five or six or seven years; I do not remember the date.

Mr. MANSUR. Outside of indictments for plural marriages and unlawful cohabitation, how many other indictments for other offenses known to your courts did you find at one time?

Judge McBRIDE. I do not know; not different from what they would be in any other agricultural community.

Mr. MANSUR. What is the number?

Judge McBRIDE. I could not say; I never had my attention called to it as being unusual. On the contrary, I think they are quite as infrequent as they are elsewhere.

Mr. MANSUR. So that among themselves, at least, they practice all the other virtues.

Judge McBRIDE. I look upon them, among themselves, as a people who are well governed. Their bishops, I think, keep pretty close watch over them and take care of them pretty well.

Mr. MANSUR. Do they pay their debts, generally?

Judge McBRIDE. I regard them as a frugal people. They are generally poor people when they come there, and they have grown up, and whatever competence they have they have earned it. They are generally people of fair habits, not given to running in debt or anything extravagant.

Mr. MANSUR. So, outside of bigamy and polygamy and cohabitation, there is comparatively little crime among them?

Judge McBRIDE. As little as any other agricultural community of the same kind.

Mr. RICHARDS. Is it not a fact that when this John C. Young took possession of this land you speak of there was an adverse claimant to it, who declared that Young was jumping his land? And was it not this adverse claimant who committed the acts you speak of? Is not that a fact?

Judge McBRIDE. I never heard him say so, and I have heard him speak frequently of it.

Mr. RICHARDS. But was not that the fact? You will not deny it?

Judge McBRIDE. I think you will say, if that is really the fact, that is not the way to decide a case by pulling a man's house down.

Mr. RICHARDS. There is no difference of opinion on that point. But I want to ask you in regard to this McBride case; was there not an adverse claim in that case?

Judge McBRIDE. I think not.

Mr. RICHARDS. Was it not claimed that Baker was jumping somebody's land, and was it not the people who claimed that land who did these things?

Judge McBRIDE. The people who cut the hay claimed to have been cutting it for a good many years.

Mr. RICHARDS. And as a matter of fact was it not claimed that he was jumping their land?

Judge MCBRIDE. They claim that any man coming into a Mormon community is "jumping" land. I presume that was so, but I do not know anything about that as a defense. Baker got his title.

Mr. RICHARDS. Was it not claimed by individuals that they were entitled to it by right of previous possession, and did they not claim that he was jumping their possessions? Were not they the people who did this thing, instead of the whole Mormon people generally?

Judge MCBRIDE. I do not believe the whole Mormon community did that.

Mr. TAULBEE. Is this the case to which you refer in which a mandamus was brought against the Secretary of the Interior to compel him to issue a patent?

Judge MCBRIDE. No, sir.

Mr. TAULBEE. There was no mandamus in this case?

Judge MCBRIDE. There was no mandamus in that case.

Mr. TAULBEE. The McBride case was the one in which there was a mandamus.

Judge MCBRIDE. Yes. In the McBride case these affidavits can be found, the object being to show the state of affairs existing in that same community. I refer to the case of Mr. L. A. Brown, who was at one time probate judge of Tooele County. Mr. Brown retired from office, and thought he would go into agricultural business. He undertook to pre-empt some land and the result was that in a year or two his water was cut off, his stock were crippled, and his crops were destroyed, and he found it essential to his health to go out of the country, and he went to Montana. This is the experience of a great many people who have undertaken to go into the outside settlements where outsiders are not wanted. I may refer to my law partner, Mr. Robertson, who lived at Salt Lake City, and went out a few miles, just outside the city limits of Salt Lake City. He acquired a little piece of land there and undertook to farm it, but he found his water was cut off, his horses were crippled and poisoned, and it was utterly impossible for him to contend against all these difficulties which beset him, and the result was he rented his farm and returned to the law-office.

Mr. WILSON. What is the need for water in that country if the dew from the grass wets your moccasins as you rode along?

Judge MCBRIDE. Did my friend understand me to say that that was the condition over the whole of Utah?

Mr. WILSON. I thought you said the grass grew so high that it wet your moccasins on your feet as you rode through.

Judge MCBRIDE. Is there any inconsistency in that? I did not say all Utah was a meadow, and I did not say that it all grew grass that wet your moccasins on horseback. Much of that country has been redeemed by irrigation. My friend says that they established that practice, and that they inaugurated the system. The same system has been maintained practically by the Pueblo Indians for three hundred years; precisely the same system. That is the same system that went on on the plains of Shinaar three thousand years ago. Now, my friend talks about it being inaugurated by the Mormons. Their claim is just as good as the claim "of blazing the way across the mountains." That part of the country has been made fruitful by irrigation, but there is nothing new about it. The Mormon battalion marched through New Mexico in 1846 and saw the result of irrigation, and when they arrived at Salt Lake, in 1847, they made use of it.

Mr. WILSON. I probably misunderstood you. Do you wish it to be understood that Salt Lake Valley, which is 35 miles, I think, in length, contains meadows of that character; is not that really a sage-brush country?

Judge McBRIDE. It was both. It was like every other valley. Some parts of it were of higher land and some was lower, and along the streams were beautiful meadows. From the summit of the hill back of the temple at Salt Lake City, as I looked upon it before the Mormons came, there was one of the most beautiful valleys I ever saw. Some portions were as beautiful meadow lands as I ever saw.

Mr. WILSON. I am speaking of a valley hemmed in by the mountains.

Judge McBRIDE. You want me to speak of it as a whole, and I can not speak of it as a whole; it is not all alike.

Mr. WARNER. In regard to the question of amending this constitution, how may it be amended; what is your idea with reference to that?

Judge McBRIDE. As a constitution—and I have read it with some care, not with a view of reviewing it, for, entertaining the views that I do, the committee will understand I do not care what kind of a constitution they make—I would oppose it, I do not care how perfect in form it might be; for all laws to be enforced must be in the hands of people in sympathy with those laws.

Mr. WARNER. You believe in the power of public sentiment?

Judge McBRIDE. I believe that public sentiment has much to do with the enforcement of laws, and especially the punishment of these offenses. The subject which my friend calls attention to—I am of the opinion that when a State becomes a State of the Union it comes into all the rights of the original States.

Mr. WARNER. Does not this put an inhibition upon the State from amending the constitution as other States?

Judge McBRIDE. The sort of contract which is proposed here, I should take it, would be an inhibition upon the State to amend its constitution; but it seems to me that coming into the Union as a State, it would have the right to amend the constitution as it chose. I do not understand that the Mormons think it was necessary to have a provision in their constitution protecting polygamy and Mormonism generally. All they ask is to be "let alone," and in this constitution they provide for some legislation against it, and I express the view that it is not intended to be against polygamy or bigamy as the Mormons understand it.

They would practice their religion and celestial marriage under this constitution, holding that they had the authority for it. I think that would be the interpretation made by their courts. My judgment of this, as a lawyer, would be that this compact would not be sustained by the courts, and that if they chose to amend the constitution themselves and blot out this particular provision against polygamy and bigamy they could do it.

Mr. TAULBEE. You say you think they would not be recognized in a court?

Judge McBRIDE. I do not.

Mr. WARNER. After admission as a State it has all the rights as a State, and a constitutional convention could be called, and it could be held, and they could decide that this provision would not be binding, and the courts would not hold that it was?

Judge McBRIDE. That is my view as a lawyer.

Mr. WILSON. And Congress would be powerless to act?

Judge McBRIDE. I think so.

The CHAIRMAN. Suppose Congress declared a constitutional amendment giving jurisdiction—

Judge McBRIDE. Oh, that is another matter. In regard to the power and authority of the church, I desire to call attention to what I think is very conclusive of what the Mormons claim the authority of the church to be. It is an enactment of the legislature in 1851, and re-enacted in 1856, and remained on the statute books until annulled by Congress. It is an act in regard to the Church of Jesus Christ of Latter-Day Saints:

And be it further ordained—

Gentlemen, you will understand this act was originally passed by the legislature of the state of Deseret, and was subsequently adopted by the territorial legislature. They had a little more orthodoxy in their laws then than they have now, and instead of using the words "be it enacted," they use the more ecclesiastical form of "be it ordained."

And be it further ordained, That as said church holds that the constitutional and original right, in common with all civil and religious communities, to worship God according to the dictates of conscience, to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ, for the security and full enjoyment of all the blessings and privileges embodied in the religion of Jesus Christ, free to all, it is also declared that such church does and shall possess and enjoy continually the power and authority in and of itself to organize, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment or forgiveness of all offenses relative to fellowship according to church covenants; that the pursuit of bliss and the enjoyment of life in every capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth may not legally be questioned: *Provided, however,* That each and every act or practice so established or adopted for law or custom shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker, inasmuch as the doctrines, principles, practice, or performances support virtue and increase morality, and are not inconsistent with or repugnant to the Constitution of the United States or of this State, and are founded in the revelations of the Lord.

Now here is a solemn legislative declaration that the church has the power in and of itself to originate and pass all the rules and regulations for the government of the state. Are you willing to recognize that any church has the right to make and pass all regulations for a government of its members and for the punishment thereof or forgiveness of all offenses relating to fellowship according to said covenant?

Governor WEST. What pamphlet have you?

Judge McBRIDE. I am reading from the brief of the Attorney-General in the case of the "late corporation of the Church of Jesus Christ of Latter-Day Saints and others, appellants, against the United States," containing the statute.

Mr. RICHARDS. If the committee would like to have a copy of that ordinance we will furnish them.

Judge McBRIDE. The doctrine is here broadly asserted, and no amount of assertion to the contrary can take it away, that the church "in and of itself" has the right to make and pass all the laws. They say "in common with all civil and religious communities." Not as a religious community only, but as a civil community.

They assert their church is more than other churches; it embraces, as they say, "for the convenience, comfort, and control of said church, and the enjoyment of life in every capacity of public association and domestic happiness, temporal expansion and spiritual increase;" it covers everything from the cradle to the grave; everything a man may do and everything he may be engaged in is made subject to the control of the

church; it has the power and right in and of itself, and now they close by saying that this is done in order that these things "may not be legally questioned." That is, that the State shall say that the church has this power, so the State shall not legally question that it has the power to do all these things. In other words, there was an abnegation of the powers of State over the entire system. I say that section makes it so plain that he who runs may read that this church has asserted its power and control not only outside of Utah, but in Utah where it had the power to do so legally under the form of a statute. It had the power and authority to control all temporal as well as spiritual affairs of those who belong to its communion. That is what we object to. This is what we have opposed for many years in Utah. They are establishing this church, inaugurating this church as a civil institution in direct violation, I say, of the Constitution of the United States, which prohibits the establishment of any state religion anywhere.

Mr. WILSON. I would like (because I have been very much interested in the judge's argument, and I think he comes nearer to the point in this case than any one else), if you can in a sentence or two, formulate the essence of your objection to the admission of Utah. I do not wish an argument, but just state the substance of the proposition upon which you rely.

Judge MCBRIDE. Because I believe a majority of the people of Utah are theocrats who believe in a government through a priesthood, and who do not believe in any other system of government. That is my objection. I believe with other gentlemen that polygamy must, by pressure from the outside world, cease to exist in time.

The other question is one that is deeper and more vital. If the committee will indulge me, I would like to state another matter on the subject of public schools. Some reference has been made to their being non-sectarian. Of course, with the exception of about half a dozen districts, they are under the control of the Mormons. By the organic act it is provided that the governor shall appoint all Territorial officers, and the governor appointed Mr. Williams superintendent of public schools. Prior to that time John Taylor was superintendent, and was president of the church. Many years subsequent to that Mr. Nuttall, who has been indicted and who has not appeared in the Territory for years, was superintendent of the public schools.

Mr. RICHARDS. I do not think Mr. Nuttall has any indictment against him.

Judge MCBRIDE. He is not in sight, and I know an unsuccessful attempt was made to serve process upon him for the purpose of making him defend his title to the office of superintendent of public schools when Mr. Williams was appointed.

Mr. RICHARDS. I am informed that there is no indictment against him.

Judge MCBRIDE. They refused to recognize Mr. Williams as superintendent of public schools, on the grounds that the other man had been chosen by the legislature, though the court decided against him. Mr. Williams, in order to get his salary within the three last months, had been compelled to issue a mandamus. He is now commissioner of schools under an act of Congress.

The CHAIRMAN. Is there anything more you wish to say?

Judge MCBRIDE. I think I have said all I wish to, except to thank the chairman and the committee for their courtesy.

Thereupon the committee adjourned to Wednesday the 16th, at 10 o'clock,

COMMITTEE ON TERRITORIES,

Wednesday, January 16, 1889.

The committee met pursuant to adjournment and proceeded to hear further argument.

ARGUMENT OF HON. JOHN T. CAINE, DELEGATE FROM UTAH.

Mr. CAINE addressed the committee as follows :

Mr. Chairman and gentlemen of the committee, the admission of Utah as a State of the Union can not be denied upon any logical grounds. She has more than the requisite population to entitle her to a representative in Congress. The Governor in his last annual report says :

It is estimated that we have a population of about 210,000, and have an assessed taxable valuation of \$46,379,073, an increase of about \$11,000,000 over last year.

Of the five Territories which it is proposed to admit as States, under your amended omnibus bill, but one has a greater population, and not one of the other four has so great a number of inhabitants. Excepting South Dakota, no one of the proposed new States has greater wealth, and nowhere in the Union, or in any country on the face of the globe, is there so equitable a distribution, per capita, of the general accumulation of property. The landed proprietorship is the true index to the material condition of the masses in any country. By the last census it was shown that the average size of the farms in Utah was 69 acres, and this is a less average farm acreage than in any State or Territory in the Union. But this average, shown by the census statistics, is not a fair indication of the general distribution of the landed proprietorship of Utah. The far greater number of proprietorships are, in extent of area, less than 25 acres. An intelligent member of the British Parliament, who spent a great deal of time in Utah, carefully investigating the condition of the people and the resources of the Territory, stated in an article published in the Nineteenth Century that of the great bulk of the population at least 90 per cent. were the owners of homes.

The capacity of a population the greater proportion of which are landed owners for self-government can not be doubted. The conduct of Territorial affairs, as evidenced by the finances, the public improvements, the schools, is a fair test of qualification of the people to manage their own affairs. The Territory was without debt until the last legislature authorized the issue of bonds to the amount of \$150,000 at 5 per cent. for educational and charitable purposes. These bonds command a premium. There is scarcely any municipal or county indebtedness. The highways and bridges are not inferior to those of any Territory. The vast irrigation system upon which agriculture almost wholly depends has been built by community co-operation. The school system is an admirable one, and the percentage of illiteracy is less than that of any Territory and than that of most of the New England States.

Mr. Ferry, in his argument before you, said that the schools of the Territory were Mormon schools. Now this is incorrect, except so far as the schools are supported by taxation derived from Mormons, and that the trustees in purely Mormon precincts are members of the Mormon Church. Apart from that, there is no truth in the statement. There are no religious tenets taught in the schools, nor has there been since they were supported in whole or in part by taxation.

Mr. MANSUR. Are there any religious ceremonies connected with the schools whatever?

Mr. CAINE. If there are they are simply in reading a portion of Scripture from the Bible at the opening of school and a simple prayer, asking for divine assistance in the studies and exercises in which they are engaged as scholars. I have attended the schools and heard the exercises, and nothing occurred that might not take place in any school in the country.

And here let me say, in answer to the statement of Mr. Ferry that there are no Gentile teachers in the district schools outside of Salt Lake City, that there never has been a time since the settlement of the Territory when there were not Gentile school-teachers employed. The fact is, a number of our leading preceptors came to Utah as non-Mormons and were employed in the district schools. I know many of them personally. Some of them subsequently joined the church; others have never done so. Some have left the Territory; others remain either as teachers or are engaged in some other capacity. As to his statement that the school-houses are used for religious services, that is largely incorrect. In most of the settlements the meeting-houses are entirely separate from the school-houses. In early times the people built meeting-houses by donation, not taxation, and used them for this double purpose, as they had a right to do.

Mr. MANSUR. I may remark that this has been a common thing in northern Missouri all my life; very common.

Mr. CAINE. I think it is a common thing among the rural districts of the States at the present time. But all the school-houses throughout the Territory are controlled by school trustees elected by the voters, and are not under church direction in any manner whatever. If they are used for church services, it is by arrangement and sometimes by rental regulated by the school trustees. Ministers of all denominations have been permitted to occupy our meeting-houses, school-houses, and the great Tabernacle at Salt Lake for religious services. Before the Protestant churches had houses of worship of their own it was a common thing, when noted ministers passed through Salt Lake City, for them to be invited to preach in the Tabernacle. I have heard Episcopalians, Presbyterians, Baptists, Methodists, Unitarians, and ministers of almost all denominations preach there. A Second Adventist came there once at my suggestion from San Francisco and held a series of meetings, and he was furnished with the Tabernacle, heated and lighted, free of cost, and Brigham Young, who was then alive, paid his hotel bill, because he was told by the minister that he preached without "purse or scrip." Children of all classes of citizens may and do attend the public schools. A gentleman whom I met yesterday informed me that he had taught in four public schools in different parts of Utah, in each of which a large number of children, both of Mormon and non-Mormon parents, were pupils. He said in Payson, Utah County, where he taught, that he had from twenty-five to fifty children of non-Mormon parentage, notwithstanding there was a non-Mormon or denominational school in the town.

The records of the land office show that there have been, since its opening in 1869, 8,157 homestead entries for a total acreage of 10,002,998 acres, and 11,056 pre-emption filings for 1,326,520 acres; cash entries numbered 3,297 for 323,829 acres, and desert applications 2,573 for 508,388 acres; timber culture 1,051 for 127,866 acres; a total of 26,134 entries and applications for 12,309,551 acres. There was no surveyor-general in Utah until 1855.

Mr. RICHARDS. I would state that the land laws were not extended over the Territory until 1868, and the land office was opened in the spring of 1869.

Mr. CAINE. Mr. McBride wishes this committee to believe that these lands were parceled out to the people by the bishops. There is not a lawyer in Utah who does not know this to be untrue. The land there has been entered and titles obtained by the holders from the Government through the United States land office as elsewhere. And here let me repeat what has been explained many times when groundless charges have been made like those chestnuts of Mr. McBride, that the Mormons regarded themselves as the proprietors of the soil and that certain grants were made by the legislature to Brigham Young and others. When Utah was first settled the lands had not been surveyed by the Government. Until they were brought into market possessory rights had to be defined and established. This was all that was done or claimed to be done. When the lands were open to entry they had to be purchased of the Government, but the *bona fide* occupants had the first claim. Adventurers in some instances tried to jump these claims and of course were resisted, but not in the way they were resisted in many parts of the great West, where such nefarious efforts have been silenced at the end of a rope. It is absurd to state that the removal of old survey stakes which were trampled out of place by stock or pulled up by Indians were purposely removed by the Mormons, for they had an interest in preserving the lines of these surveys. They were anxious to obtain titles to their lands. As to the cañon grants to the persons named, they were but temporary, like all other arrangements of that kind, and were absolutely necessary for the benefit of the people. For instance, Brigham Young expended thousands of dollars to open a road up City Creek Cañon and keep it in repair, so that the people might be able to reach the fire-wood and timber in the mountains, the only places where it could be obtained. There was no coal discovered then, and the cañons were their only source of obtaining fuel. Brigham Young was secured in the control of the cañon during that period, and a toll of so much of the wood and timber brought down was permitted to repay him for his personal outlay. Every one of these grants expired when the lands were placed on the market by the Government and thrown open to public entry. So much for all that nonsense about the "primary disposal of the soil." I have known Brigham Young to expend from \$3,000 to \$6,000 a year in keeping that road in repair. It was frequently washed out in the spring by freshets.

Mr. McBRIDE. I undertake to say that road never cost that much, putting it all together.

Mr. CAINE. Well, judge, that becomes a matter of testimony, and I think I can produce the evidence if required.

Mr. BASKIN. I have traveled it, and I have been there twenty years, and I will assert what Judge McBride says in connection with it. I say it would not cost \$300 a year to keep it in repair from end to end.

Mr. CAINE. I speak of the time before either of those gentlemen came to Utah, when it was a rough cañon, and it needed this expenditure to make the road and keep it open.

Mr. BASKIN. It would not cost \$5,000 to build it from end to end.

Mr. CAINE. Perhaps it would not cost that to build the cañon road in your estimation. I believe I can substantiate my statements and produce the accounts if necessary.

The far greater number of the people of Utah are agriculturists and stock-growers. The statistics of these industries, in the absence of a cen-

sus, can only be approximated. But the governor of the Territory in his two last annual reports has given estimates which I am convinced understate rather than overstate the agricultural and pastoral interests. From these figures I tabulate as follows:

| | |
|--|-------------|
| Grain and hay products..... | \$6,419,000 |
| Vegetable and other garden products..... | 1,550,000 |
| Cattle, 1,500,000 head, value..... | 11,500,000 |
| Horses, 250,000 head, value..... | 10,000,000 |
| Sheep, 2,400,000 head, value..... | 12,000,000 |
| Swine, 100,000 head, value..... | 500,000 |

The annual yield of farm and garden products, and profits of stock-raising, and of the wool clip, is estimated to be not less than \$18,304,000.

The manufactured articles for 1888 are valued at about \$9,000,000.

The output of the coal-mines of Utah last year exceeded in value over \$1,000,000.

The output of precious minerals in 1888 at sea-board value was \$10,993,781.

The total business transacted in the Territory, exclusive of railway and telegraphic business, was something like \$130,000,000.

The transactions in real estate in Salt Lake County alone for 1888, as they appear by the records of that county, aggregated \$5,355,666.58.

The growth of the principal cities and towns of Utah, during the past year, has been very rapid, and in Salt Lake City the value of property is quoted by real-estate dealers as follows, per foot frontage, with a depth of 165 feet:

| | |
|--|----------|
| First-class business corners..... | \$1,250 |
| Second-class business corners..... | 500 |
| First-class business inside..... | 1,000 |
| Second-class business inside..... | 400 |
| Acreage, first-class, suitable for homes, per acre..... | 1,000 |
| Acreage, second-class, suitable for homes, per acre..... | 500 |
| Farming land, per acre..... | 60 to 75 |

There are 1,140 miles of railway in operation in Utah, and several new lines in course of construction and projected.

The mineral wealth of Utah is incalculable. Its mines of the precious metals are among the greatest in production in the United States, while her deposits of iron and coal, lead and copper, are immense in extent and of very superior quality. New discoveries of valuable minerals are made every year.

The Territory has all the elements of greatness within its borders. Its resources being varied, diversified industries flourish, and the future gives promise of most wonderful results. The splendid system of irrigation; which has been provided by community co-operation, renders certain food-supplies at cheap rates. Situated as she is, Utah must inevitably become a great manufacturing center.

The only constitutional requirement for the admission of a State is that it shall have a constitution republican in form. The first statesmen of the Union have differed in opinion as to the population a Territory should have to entitle it to statehood. The ordinance of 1787, which was the first legislation respecting Territories, and antedated the constitutional convention, was undoubtedly the formulated consensus of opinion of the fathers of the Republic in regard to provisional governments. They were deemed merely temporary expedients, and the right to full and unqualified self-government was recognized as inherent in the people who sought homes in the wilderness. When the hardy pioneers reached the number of 5,000 in a district they were entitled to enact laws for themselves by a legislative body chosen for that purpose,

the Congress reserving the right to provide executive and judicial machinery. But whenever there were 60,000 free inhabitants in such district they were "at liberty to form a permanent constitution and State government." There was but one restriction :

The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles.

This requirement of a population of 60,000 was not iron-clad, because it was provided that the admission "shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000," when the same could be done consistently with the general interest of the confederacy.

It can not be doubted that this *right* of local community self-government was, at that period, and during the years immediately following the establishment of our constitutional government, held in such high esteem that it was generally conceded that a considerable body of people inhabiting a Territory could not be rightfully deprived of admission to the Union and statehood. It is unquestionably true that in more than one instance the people settled in certain districts exercised what they deemed to be their inalienable rights, and formed and set in operation State governments, and *demand*ed admission for their Senators and Representatives to the Congress of the United States.

The power of Congress to determine for itself the qualifications of membership was, of course, not disputed, its constitutional rights in this respect being absolute; but the right of a great body of citizens of the United States to local community self-government was most strenuously contended for and was practically yielded in one or more cases.

In the case of Tennessee a convention of the people met at Knoxville, January, 11, 1796, and framed a constitution and provided for a State government. The convention having completed its work, formally notified the President of the United States that on the 28th day of March, 1796, at which time the legislature would meet to act on the constitution, the temporary government established by Congress would cease.

How did the Father of his Country, who was then President of the United States, receive this ultimatum from the people of the Territory of Tennessee? He submitted to Congress the documents with a plain intimation that he deemed the people justified in all they had done.

The House of Representatives recognized the right of the people of Tennessee to local community self-government by a vote of 43 to 30 on a resolution declaring the State of Tennessee to be one of the States of the Union.

The Senate, by one majority, insisted at first that, before Tennessee could become a State, Congress must determine whether the district ceded by North Carolina should, under the terms of the cession, be constituted into one or more States, and must provide for a census under national authority to determine whether there were 60,000 inhabitants therein. But the House disagreed, and amended the Senate bill so as to admit Tennessee at once, to which the Senate agreed.

Three of the greatest men of that period, Mr. Madison, of Virginia, Mr. Macon, of North Carolina, and Mr. Gallatin, of Pennsylvania, in the debate voiced the sentiment which then prevailed in regard to the sacred right of local community self-government.

Mr. Madison said :

The inhabitants of that district of country were at present in a degraded situation; they were deprived of a right essential to freemen—the right of being represented in

Congress. Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws; an exterior power appointed their executive, which was not analogous to the other parts of the United States, and not justified by anything but an obvious and imperious necessity. He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean towards a decision which should give equal rights to every part of the American people.

Mr. Macon said that—

There appeared to him only two things as necessary to be inquired into: First, was the new government republican? It appeared to him to be so; and secondly, were there 60,000 inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift, but as a right.

Mr. Gallatin said:

The people of the Southwestern Territory became *ipso facto* a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact. * * * Either you must acknowledge that their admission depends solely on the condition of the compact being fulfilled, to wit, their having the number required, or you declare that it rests upon another act, which may be done or refused by the other party; that Congress have the power, by neglecting to lay them out into one or more States, or by refusing to pass a law to take a census, to keep them forever in their colonial state.

The people of the Territory of Michigan twice memorialized Congress once in 1833 and again in 1834, to be admitted as a State to the Union. No heed being paid thereto, the Territorial legislature, in January, 1835, passed an act convening a convention of the people to form a State constitution. In May following the convention met at Detroit, framed a constitution, submitted it to the people, who ratified the same, and elected State officers. The State government was set in operation without awaiting any action by the Congress of the United States. There was not even a memorial sent to Congress praying for recognition of what the people had done. Senators and a Representative were elected to Congress, and they presented themselves and demanded their right to seats. The President of the United States transmitted to Congress a copy of the constitution of the State of Michigan, with the following message:

WASHINGTON, December 9, 1835.

To the Senate and House of Representatives:

GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indian Territory lying north of a line drawn due east from the southerly bend, or extreme, of Lake Michigan until it shall intersect Lake Erie, and "east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States," was erected into a separate Territory, by the name of Michigan.

The territory comprised within these limits, being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants, each State should be admitted by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles, etc. The inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

ANDREW JACKSON.

Andrew Jackson, of Tennessee, stood by what the people of that State had done thirty-nine years previous, and, without presuming to dictate

to Congress, left no doubt, by what he said and left unsaid in his message, as to where he stood in the case of Michigan. He believed in the inalienable right of local-community self-government which was so clearly recognized by the ordinance of 1787—the clearly formulated and expressed judgment of the fathers of the Republic on this great principle of free government on which our representative institutions are bottomed. Congress, June 15, 1836, ratified what the people of Michigan had done by admitting her as a State to the Union, merely requiring a change of her southern boundary.

In the course of the debate in the Senate, Senator Buchanan, of Pennsylvania, said:

I think their course justifiable, but if there is anything wrong or unusual in it, it is to be attributed to the neglect of Congress.

For three years they have been rapping at your door and asking for the consent of Congress to form a constitution and for admission into the Union, but their petitions have not been heeded and have been treated with neglect. Not being able to be admitted in the way they have sought, they have been forced to take their own course and stand upon their rights—rights secured to them by the Constitution and a solemn and irrepealable ordinance (of 1787).

They have taken a census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude they now demand admission as a matter of right; they demand it as an act of justice at your hands.

But, in reality, the State government did not stand upon the ceremony of Congressional action so far as local affairs were concerned. Acts of sovereignty were done by the State government.

There is force in the rule which, by common consent, has come to be generally applied in the cases of Territories seeking admission as States, namely, that they shall have a population equal to the ratio of representation in the House of Representatives. But the most that can be said of it is that it is founded on reason and is not arbitrary. But it does not apply with any more force to the case of the people of a Territory than it ought to apply to those of a State of small dimensions or limited population. The great and populous States naturally feel some jealousy at having their influence in the Senate counterbalanced by the Senatorial representatives of Delaware, Rhode Island, or Nevada. But this same jealousy manifested itself in the constitutional convention and the Senatorial representation was but one of the many concessions and compromises which had to be made to secure "a more perfect Union."

The great underlying principle involved in all the controversies growing out of the admissions of Territories to the Union, and which has always been recognized, is the right of the people to local-community self-government. As I have said, it was this right which was so conspicuously recognized in the celebrated ordinance of 1787 respecting the Northwest Territory. No other event in the political history of our country was fraught with more momentous consequences than the enactment by the Congress of the Confederation of that ordinance. It removed one of the greatest obstacles in the way of "a more perfect Union." It solved a problem which had presented itself to the mind of every reflecting statesman of that period—"what was to be the form of government for the outlying settlements in this vast region as they grew in numbers?"

No one harbored for an instant the idea that pro-consular rule would be tolerated by the brave and hardy spirits who would seek homes in the wilderness. The independence of character, perfect self-reliance, and fearlessness of consequences where their rights were involved, were

conspicuous traits of the American pioneer. The habit of coming together, of deliberating and determining for themselves was and is natural to the American. It is part of his nature. It comes to him from a far off-time—from beyond the day-dawn of history. His progenitors in the woods of Germany, in their villages, exercised the right to regulate their local affairs. Tacitus noted it as a curious fact. From that day to this, through all the pages of history, we trace the effect of this Teutonic inheritance in the governments established by the races and peoples springing from that stock. At the base lies the principle of local community self-government. It is perfectly wonderful how even forms are preserved during ages when a principle is embodied therein which affects human rights. The town meeting of a new England community to-day has many points of resemblance in its proceedings and the scope of its authority to those of the village-community meetings of Germany, some of whose customs are mentioned by Tacitus.

The recognition of the right of a considerable body of the American people, who go beyond the boundaries of States to find homes in the wilderness, to provide a republican form of government for themselves, has, I repeat, always been recognized. Statehood is something more than a boon Congress is empowered to bestow. It is a right inherent in the people. To deny this proposition is to deny the great fundamental principle on which our Government is founded; nay, more, it is to deny that men are capable of self-government. I do not ask for any more cogent arguments in behalf of the right for which I am contending for the people of Utah than those which the minority of this committee have advanced in behalf of the people of Dakota. I refer to the comments on the power of one man, the Territorial governor, to virtually control the whole machinery of government in that Territory. The same is not only true in Utah, but the power of the one man there is still more absolute. The Governor of Utah has an absolute veto.

The minority declares that—

Under our system the functions of government are bestowed upon the legislature, the courts, and the executive. To possess self-government the people must choose all of these, and self-government is a mockery without this power.

I say that it is not even a mockery of self-government, but a denial of it "without this power."

But I take it for granted that the minority of this committee will say—

We were advocating the case of the people of Dakota, not of those of Utah. We held different views in the same report in regard to the people of New Mexico.

But the grounds for your objections to the admission of New Mexico, even if well taken, which I do not admit, will not apply to Utah.

The people of Utah, in very large part, are descendants of the best stock of New England, New York, Pennsylvania, Ohio, and other Middle Eastern States. They are typical Americans. The people who have builded so marvelously in Utah, who found naught but desolation reigning in the desert valley of Great Salt Lake, and who have converted the wastes of aridness into smiling fields, were American to the heart's core. They made the most remarkable pilgrimage recorded in human annals, and when, eighteen months after they set out on their long journey from the banks of the Upper Mississippi, their pioneer band rested on the ground where Salt Lake City now stands, their first act was to scale a lofty peak of the Wahsatch and plant there the American flag.

Mr. McBride, who acknowledges that he is one of the anti-Mormon

agitators, endeavors to impress this committee with the idea that Utah was already a garden spot, prepared by nature for easy occupation, and so humid that the morning dews soaked the shoes of the mounted traveler. There is no fact better known than that it was an arid, rainless region, and that without irrigation agriculture was an impossibility. What the country was when the Mormon pioneers first stepped upon the parched and treeless soil can be seen in less than an hour's drive from Salt Lake City, where the sand and sagebrush on broad expanses of non irrigable land attest that wherever streams can not be conducted desolation reigns and nothing can be produced for human sustenance.

Judge McBRIDE. Did you say you were there, Mr. Caine?

Mr. CAINE. No, sir, I did not say I was there at that time; I was, however, there five years after. It is an act of ill-grace—

Mr. BASKIN. Will the gentleman allow me to ask him a question?

Mr. CAINE. Certainly, sir.

Mr. BASKIN. You are familiar with the bench country between Salt Lake City and Ogden?

Mr. CAINE. Yes, sir.

Mr. BASKIN. Do you know they grow what is called winter wheat there on the benches without a particle of irrigation, and produce from 15 to 20 bushels per acre on those dry benches without any water at all, and that your people are engaged in doing that thing to-day?

Mr. CAINE. There are some few places in Utah where winter wheat can be raised by what is termed "dry farming;" that is, the wheat matures before the hot sun of summer descends upon it; but they are exceptional, and this is one of the exceptions. As a rule, wheat can not be raised in Utah without irrigation.

Mr. BASKIN. Let me ask you what there is in that particular region to make this exceptional, and I will ask if it can be done on all the benches of Salt Lake except that ridge and others?

Mr. CAINE. There is something in the soil on that ridge which the judge refers to which matures wheat very early, but the same state of facts do not exist in regard to the other benches surrounding Salt Lake, on which nothing can be raised without irrigation.

Mr. BASKIN. I will ask another question: Do you know where my ranch is?

Mr. CAINE. I do not.

Mr. BASKIN. Do you know where old Mr. Crossley's brewery is? Were you ever up in that flat which is called Crossley's brewery?

Mr. CAINE. Not being in the habit of visiting breweries, I do not know the place to which you refer.

Mr. BASKIN. I will locate you after a while; you know where Centerville is?

Mr. CAINE. Yes.

Mr. BASKIN. Well, you know the bench back of that?

Mr. CAINE. Yes.

Mr. BASKIN. You know that I own a ranch covering that bench?

Mr. CAINE. I do not know it, but I will accept it as a fact that you do.

Mr. BASKIN. That is so. Wherein does that region of country differ from other localities of the character of soil that you say will not produce anything without irrigation?

Mr. CAINE. I do not know. I will let you tell the committee what you know about it.

Mr. DUBOIS. Is it not a fact that around Boise City, Idaho, they have to irrigate for everything they get?

Mr. CAINE. I never was in that country.

Mr. DUBOIS. I will state that it is a fact that around Boisé City we have to irrigate for everything, and that we have all kinds of fruit there. I just wanted to ask what advantage this people can claim, what benefit this people should enjoy over Boisé City and Idaho on account of the fact that they irrigate, when we also have to irrigate that whole country.

Mr. CAINE. I will answer that by saying, because the settlement of Utah formed a base of supplies for all that country. And it was a different thing to settle Utah, which was 1,000 miles from any source of supplies, than it was to settle Idaho, where you could get supplies from Salt Lake.

Mr. DUBOIS. Our people are entitled to as great credit when they are doing the same thing, as are also the people of Lower California, Colorado, and all the country adjacent to Utah.

Mr. WILSON. If you are entitled to credit, why are not these people of Utah entitled to credit?

Mr. DUBOIS. They are, but not sufficient credit to cause us to overlook their social condition.

The CHAIRMAN. Mr. Caine has the floor, and I trust the gentlemen will please cease these interruptions and let Mr. Caine proceed.

Mr. CAINE. I repeat again, it is an act of ill-grace to attempt to deny to the hardy pioneers the credit due to them for their praise-worthy toil in redeeming the desert from solitude and sterility. It should be borne in mind that they entered Salt Lake Valley July 24, 1847, and that the travel to California along the route they took did not occur till 1849. Remember who these pilgrims were, and how they came to make this unparalleled march from the Mississippi to the Missouri, starting in the dead of winter; crossing the Mississippi on the ice, bearing with them wives and children, the infirm and the sick, and all of this world's goods they possessed; and how, gathering on the banks of the Missouri, more than 5,000 strong, they set out across the trackless plains, traversed the ranges of unknown mountains to find and found homes in an uninviting desert valley. Remember that they were driven by mob violence, as they had previously been driven from Missouri, because their religion differed from that of their bigoted neighbors; expelled from a fair and fertile land, where, by their industry, frugality, and thrift, they had gathered about themselves all the comforts of life, and that all had been sacrificed. Remember that, as they were about to cross the Missouri and take up the line of march across what was then believed to be the Great American Desert, the demand came from the Federal Government for a battalion of their young men to join the force being fitted out to speed by way of Santa Fé and the southern route, and seize and hold California.

Remember that these pilgrims, driven from their homes, were setting out to find new ones in the territory belonging to Mexico, against whom war had just been declared, and to operate against whom the stalwart young men were wanted. Remember that there was no hesitation in responding to this demand. The word went forth through the camps of the pilgrims and twice the number asked for volunteered. The battalion was formed and made the march to California, and not only helped to wrest that great region from Mexico, but to save it from the grasp of Great Britain, whose war fleet was sailing to occupy the coast and hoist over the land the red cross of Saint George. Remembering these facts, you will not insult the truth by drawing an unfavorable comparison between the people of Utah and the people of any other Territory seeking admission into the Union.

But Mr. Ferry has told you that the enlistment of this battalion was to help the Mormons on their way to the great West. Indeed, it is quite likely that the promoters of this scheme represented the matter in that light to the President of the United States. But the Mormon people were in an Indian country. More than a thousand miles of uninhabited desert and mountain wilds lay between them and their destination. The five hundred able-bodied men demanded and enlisted took from them the very flower of their masculine strength, and exposed them to the mercy of the savages that roamed the broad prairies over which they had to travel. If that noble band were not actually engaged in battle, they made the longest and most arduous march known to history, and their presence in California, as I have said, saved that valuable domain to this nation.

As to the half-masting episode to which Mr. Ferry referred, it is almost waste of time to explain so simple a matter. Some persons, full of grief and humiliation that on the anniversary of national freedom a number of their leading and most esteemed citizens and pioneers, who had laid the foundations of their prosperity, were either in prison or in exile through strained interpretations of special laws, placed the flag at half-mast as a token of mourning. It was not out of disrespect to that emblem of the nation's liberty. No one knows this better than the maligners who pretend, for base purposes, that the act was one of defiance. When was the half-masting of the flag ever before construed into anything but a sign of sorrow? I am ashamed of men who seek in such a paltry way to misinterpret the acts of their fellow-citizens.

And let me beg you not to permit our opponents to stultify your intelligence by misrepresentations of that page of our history which records the story of the so-called Utah rebellion, the sending of an army to quell it, and the discovery that this whole shameful episode was the result of the wicked concoctions of a dissolute and depraved wretch who had shamefully degraded his position and trailed in the mire the judicial ermine he wore, and who, after dragging out a miserable, besotted existence, died drunk only the other day in a low groggery. There never was any resistance to the Federal authority in Utah, and, moreover, no thought of it.

The records of the Federal courts which were alleged to have been destroyed were found intact in their proper place when the Federal commissioners came to Salt Lake City in advance of Johnson's army. For after the millions spent in equipping that army and marching it to the confines of Utah the partial truth got to the Federal authorities here, and so-called peace commissioners were hurried to overtake the military force and stop any hostile operations while an investigation was made. That investigation was the complete vindication of the people of Utah.

But some one says there is a minority in Utah which does not desire statehood, and opposes admission to the Union of the Territory. I answer this in the language of the minority report of this committee on the admission of Dakota, to wit:

The fundamental doctrine of this Government is that majorities must rule. If there is any one principle more pronounced than any other in both Democratic and Republican creeds it is to submit to a vote of the people. This voting has been done by the people of Dakota upon this question of division at an election duly provided for by the legislature of that Territory, carried on and protected by law, and, so far as appears, was fairly conducted.

If the majority shall rule in regard to the division of a Territory, shall it not rule when the question is statehood and admission to the

Union? The people of Utah, assembled after due notice in mass meetings in every county, chose delegates to a constitutional convention. This convention, after thorough and careful debate, framed a constitution and submitted it to the whole people for ratification. Their vote was taken at the regular election held under the supervision of the Federal commissioners. The ballots for and against the constitution were received and counted by the regular judges and the result of the canvass regularly declared. A decided majority of all the electors who voted at that regular election voted to ratify the constitution. That constitution was duly presented to Congress and is now before this committee. Here is a parallel case to that of the division of Dakota, and if the majority shall rule in the one case, why not in the other?

But it will be objected that the minority in Utah refused to have any part or lot in the movement for Statehood, refused to recognize the call of which they had ample and special notice to choose delegates to the constitutional convention, and from first to last repudiated the whole business.

Very well. There is a parallel case to this, and I will quote authority which the majority of this committee will not repudiate.

Kansas had a Territorial government which was fully recognized by the Federal authorities, and a delegate duly elected by the people of that Territory occupied a seat in the House of Representatives. A constitutional convention was called, and delegates were elected thereto, and a constitution known to history as the Lecompton constitution was framed. It was submitted to the people for ratification, and a majority of the votes cast were for ratification.

But a large part of the people of Kansas refused in any way to recognize the call for a convention, or its work, and declined to vote at all. The President of the United States recommended the admission of Kansas under the constitution thus framed and adopted, and said in his message—

The people of Kansas have then, "in their own way," and in strict accordance with the organic act, framed a constitution and State government; have submitted the all-important question of slavery to the people, and have elected a governor, a member to represent them in Congress, members of the State legislature, and other State officers. They now ask admission into the Union under this constitution, which is republican in its form. It is for Congress to decide whether they will admit or reject the State which has thus been created. For my own part, I am decidedly in favor of its admission, and thus terminating the Kansas question.

An act to admit Kansas, under the Lecompton constitution, was passed by Congress, in the Senate by a vote of 31 to 22, and in the House by a vote of 112 to 103. The act thus passed explicitly recognized the validity of the proceedings which gave birth to the Lecompton constitution, but Kansas did not become a State under it, because the act of admission made provisions in regard to cession of public lands to the State, and the people of the Territory refused to accept these provisions. But, nevertheless, the principle for which I am contending was recognized by the executive and legislative powers of the Federal Government.

But, says another—

A majority of the people of Utah have long defied the authority of the United States as expressed in its statutes, by practicing polygamy—an offense not only contrary to law, but to the sense of all Christendom.

This is not true. A majority of the people of Utah, or a majority of the majority, did not practice polygamy. The statistics furnished by a Federal commission created for the purpose of disfranchising those

who did practice polygamy prove conclusively that only a minority of the majority practiced polygamy. Moreover, the great majority of the whole people of the Territory—every one of whom not only had never been guilty of an offense against the law prohibiting polygamy, but who had to take an oath to that effect, and, also, that it was his intention to obey that law—ratified a constitution which forever prohibited polygamy, and contained provisions making it an offense against the State, and providing severe penalties therefor.

More than this, a legislative assembly, elected by these same people, enacted a most stringent marriage law which not only makes polygamous marriages illegal, but provides for the punishment of all who knowingly participated, either as civil officials or as ecclesiastical persons. The same legislative assembly solemnly resolved that it was in favor of the execution of the Federal statutes against polygamy and polygamous offenses in the same manner as other criminal statutes were executed and enforced. This resolution was passed because bills had been introduced providing for Territorial statutes against polygamous offenses, and such legislation being supererogatory, Federal laws of course being paramount, the legislative assembly, while failing to enact the proposed laws, desired to put on record the unanimous will of its members that the Federal statutes should be enforced.

"Yes," it will be said, "this is all true, but the majority of the people of Utah are members of a church organization which not only permits polygamy but makes it obligatory upon its disciples." No, this is not true. The Church of Jesus Christ of Latter-Day Saints, as a church organization, does nothing of the kind. It does not, and never did, make the practice of polygamy obligatory. The Church of Jesus Christ of Latter-Day Saints accepts the revelation through Joseph Smith concerning marriage as coming from God. That revelation related also to celestial marriage, which is a different thing from plural marriage, and while all members of the church recognize as binding the ordinances relating to marriages for eternity as well as for time, all have not, and do not, recognize the revelation concerning plural marriages as obligatory upon them. The great majority have never entered into plural marriage, and therefore have regarded that part as permissive simply and only.

Mr. BAKER. What is the difference between celestial and plural marriage?

Mr. CAINE. Celestial marriage is a marriage for time and eternity. The persons are not only joined for so long as they both shall live, but for time and all eternity. That is celestial marriage, but it is not necessarily plural marriage. Celestial marriage could be entered into by persons in good standing in the church, although there would be no polygamous relations about it.

Mr. WILSON. Right there I would like to have you make that statement more explicit if you can. I understand it, and if I am wrong I want to be put right, and if any member of the committee is wrong I want him to be put right—I understand celestial marriage to mean, as you have said, a marriage for time and eternity, and if a man has simply one wife, and never has another, that would be a celestial marriage?

Mr. CAINE. Yes, sir.

Mr. WILSON. And it is not necessary in order that there shall exist what is called celestial marriage that a man shall have more than one wife?

Mr. CAINE. No, sir; it is not.

Mr. HAYES. Are all the marriages under the church celestial marriages?

Mr. CAINE. Not necessarily.

Mr. STRUBLE. And is there more than one celestial marriage to the same person; may there be two or more celestial marriages to one man?

Mr. CAINE. If they were plural marriages they would be; but a celestial marriage is not always a plural marriage, but a plural marriage is always a celestial marriage.

Mr. MANSUR. Can there be plural celestial marriages to the same man?

Mr. CAINE. There can be, but a celestial marriage is not necessarily a plural marriage, but a plural marriage is always a celestial marriage.

Mr. WARNER. When a man has one wife and then takes the next one, is that recognized by the church as a celestial marriage?

Mr. CAINE. Yes, sir; and all single marriages may be celestial marriages also.

Mr. MANSUR. That applies only to the males?

Mr. CAINE. That applies only to the males.

Mr. DUBOIS. Is there anything in a celestial marriage ceremony which prevents a man performing that ceremony from taking advantage of the temporal rights of that marriage; does it differ in any other way in regard to the rights of a husband in any other marriage? Is there anything in the ceremony which prevents cohabitation or differs from the ordinary temporal marriage?

Mr. CAINE. I do not know that there is.

Mr. BASKIN. Under the celestial system of marriage you spoke about, whether it be singular or plural, under the ceremony, does not the husband in that ceremony reserve to himself the right to take other wives?

Mr. CAINE. No, sir; he does not. There is nothing of that kind about it.

Mr. BAKER. Is not that implied?

Mr. CAINE. No, sir.

Mr. BASKIN. Is the plural ceremony under that celestial system any different from the first ceremony?

Mr. CAINE. Not materially.

Mr. BASKIN. That is, the covenant that he makes with his first wife is the same he makes with the plural wife?

Mr. CAINE. Yes, I think so; there is a little difference in the ceremony, but the covenant, I believe, is the same.

Mr. RICHARDS. Is it not a fact that men have been married to celestial wives for eternity alone, and in that case they would not have the right to cohabit during this life?

Mr. CAINE. Yes, sir; these are marriages for eternity and not for time.

Mr. RICHARDS. Where the marriage is for time and all eternity, whether it is a plural marriage or not, it carries with it the right to cohabit, and where the marriage is for eternity alone it carries no right to cohabit?

Mr. CAINE. Certainly not; cohabitation in such a case would be adultery.

Mr. STRUBLE. Can you state what proportion of these marriages Mr. Richards has just mentioned is a plural or celestial marriage?

Mr. CAINE. No, sir; I can not.

Mr. BAKER. Are there any marriages simply for eternity?

Mr. CAINE. Yes, sir.

Mr. TAULBEE. Mr. Caine, when a celestial marriage is performed,

and when one of the contracting parties dies, the existence of that marital relation continues?

Mr. CAINE. Yes, sir.

Mr. TAULBEE. Now, in the event a man dies and leaves a widow, to whom he is married for time and eternity, can she marry another person?

Mr. CAINE. Yes, sir; but the marriage would be only for time. She can not marry him for eternity. A man, though dead, can not be deprived of his family.

Mr. WARNER. Let me ask one question there, because we are getting into a branch of theology I do not understand. The covenant a man makes is for time and eternity, and therefore, if he dies, the wife is still—

Mr. CAINE. His wife.

Mr. WARNER. And his widow has no right to marry a man, except for time only?

Mr. CAINE. For time only.

Mr. WARNER. She can only make a time contract?

Mr. CAINE. Yes; that is about the idea.

Mr. TAULBEE. Under the doctrine of the church authorizing plural marriages, that right is confined to the man, is it not? One woman has no right to marry two husbands at the same time?

Mr. CAINE. No, sir; we do not admit of polyandry. There are physical reasons which would prevent such a marriage. It may be asked, "Has the church given up, yielded, or abandoned the revelation concerning plural marriages?"

The church has not, to my knowledge, received any new revelation on this subject. If it has, such revelation has not been promulgated. The Church of Jesus Christ of Latter-Day Saints, being founded on revelations from God, must, of course, patiently await the pleasure of its Divine Author to make known His will. However, it has been shown, by evidence taken in some of the legal proceedings connected with the suit of the United States to annul the incorporation of the church and escheat its property, that the church authorities no longer authorize and sanction plural marriages. And such marriages can not be contracted in accordance with church ordinances without such approval and sanction. And though attempts have been made by our opponents to make it appear that such marriages have been solemnized recently, there is not one particle of proof offered, nor can there be, to substantiate the suspicion.

And I will here state, on my honor, that the insinuation of Mr. McBride that the Utah constitutional provision against bigamy and polygamy was not meant to punish Mormons who should contract plural marriage is entirely without foundation. The gentlemen who framed and adopted that constitution meant by the terms "bigamy and polygamy" just what is meant in the acts of Congress, and this without any quibble or mental reservation of any kind. I can say, further, that this was the general understanding among the citizens who ratified that constitution at the polls.

Mr. WARNER. One word here. You say there is no new revelation upon that subject. That revelation must be received through whom?

Mr. CAINE. Through the head of the church, and it must then be submitted to the quorums of the church for their acceptance.

Mr. WARNER. One question further. How many persons, since the transfer to Utah, have been at the head of the church?

Mr. CAINE. Brigham Young was the president of the church at first, and after him John Taylor. They are both dead.

Mr. WARNER. Who is now the president?

Mr. CAINE. There is no president of the church. The twelve apostles now preside over the church.

Mr. WARNER. Brigham Young had plural wives?

Mr. CAINE. Yes, sir.

Mr. WARNER. John Taylor had plural wives?

Mr. CAINE. Yes, sir.

Mr. WARNER. And I think, as stated on yesterday, that ten of the twelve, or a large proportion of the apostles that constitute the head of the church, have unlawful wives?

Mr. CAINE. I do not know, so far as that is concerned.

Governor WEST. The president of the twelve apostles, Woodruff, has?

Mr. CAINE. It has been so claimed, but whether he has now or not I can not tell. In fact, he has never been prosecuted, and no attempt has been made to prosecute him. I do not know if he now maintains the polygamous status or does not live in it.

Governor WEST. Has not Mr. Woodruff been hiding?

Mr. CAINE. I think not. He has not been out much of late, as he is an old man, but I do not know that he has been hiding. I have seen him frequently.

Governor WEST. You had probably seen John Taylor frequently before his death.

Mr. CAINE. No, sir.

Mr. STRUBLE. Has he been on the street and about the city?

Mr. CAINE. Yes, sir; and he appeared at one of the conferences at the tabernacle and preached there since the prosecutions for polygamy commenced.

Mr. MANSUR. You stated awhile ago that this revelation would have to be approved.

Mr. CAINE. It would have to be accepted by the quorums of the church, and finally by the whole church.

Mr. MANSUR. Now, suppose they do not accept, can they overrule it?

Mr. CAINE. If they did not accept it, then it would not be binding upon the church.

Mr. MANSUR. Then you can overrule it.

Mr. BAKER. Then that constitutes rebellion.

Mr. CAINE. That would be a matter for each member to decide for him or herself.

Governor WEST. I have only one question to ask.

Mr. CAINE. Certainly.

Governor WEST. You say it is charged here that persons have gone into polygamy and still no evidence is adduced of it. Do you know Dr. Ormsby, of Logan?

Mr. CAINE. Yes, sir.

Governor WEST. Do not you know Dr. Ormsby has been lately tried and convicted of unlawful cohabitation?

Mr. CAINE. Yes, sir.

Governor WEST. Do not you know that unlawful cohabitation consists, in part, of his relations with his polygamous wife, who was taken within the time of limitation and that the fact of his polygamous wife was not known until the limitation had expired, the three years, and he could not be prosecuted for polygamy?

Mr. CAINE. Then he was not convicted of polygamy.

Governor WEST. He was not with a wife taken within the time.

Mr. CAINE. We have never denied that there were polygamists in

Utah, and we do not now. I do not know, governor, if you know, when Dr. Ormsby's polygamous marriage was solemnized. You state it to the committee, but I do not know it.

Governor WEST. I know it very well, but I can not give the time, as all these polygamous marriages are in secret.

Mr. CAINE. I will wait for the governor to make his statement to the committee.

Governor WEST. I am going to ask you another question, if you will permit?

Mr. CAINE. Certainly.

Governor WEST. Is it not a fact that Mr. Angus M. Cannon, president of the Salt Lake State of Zion, has contracted a plural marriage after coming out of the penitentiary? Has he not married Dr. Mattie M. Hughes? Is not that true?

Mr. CAINE. I will have to insist that you give your testimony on that point to the committee. I do not know it, and you do not know it.

Governor WEST. You assert what I know. I do know it so far as his own statement is entitled to reliance.

Mr. CAINE. If you know it, it was your business to see that he was prosecuted.

Governor WEST. Do not you know—

The CHAIRMAN. I think, gentlemen, we had better proceed and let Mr. Caine go on with his argument.

Mr. BAKER. Has there ever been an occasion of a divine revelation of Almighty will that has not been accepted by the church or the proper authorities?

Mr. CAINE. To my knowledge there has not been. It has been frequently stated that I know such marriages were being solemnized, and the Salt Lake Tribune, after I made a certain speech in Congress in which I contended polygamy was a dead issue, said in effect, "Mr. Caine knows that these marriages are solemnized every day." I say most positively to the Salt Lake Tribune and its friends here, and to Governor West, that I do not know and they do not know of any such marriages. If they did the parties would be prosecuted.

Mr. BAKER. Will you allow me one other question?

Mr. CAINE. Certainly.

Mr. BAKER. Is there any difference between plural marriages and polygamy?

Mr. CAINE. No, sir; none whatever. What is known under the law as polygamy is what we Mormons call plural marriage and they recognize it as such. They call it in common conversation polygamy.

Mr. BAKER. I am very much obliged.

Mr. BASKIN. Let me ask you a question. You assert that you do not know of polygamous relations being entered into or solemnized in the endowment house, do you know they are not being done?

Mr. CAINE. Do you wish me put under oath? I have already made my statement and if you can impeach my testimony, you can do so.

Mr. WARNER. Mr. Chairman, I raise this point, that the gentleman has stated that he does not know it and I think that that ought to be sufficient.

Mr. BASKIN. He states that he does not know it—

The CHAIRMAN. We will hear the judge some other time.

Mr. CAINE. Mr. McBride, I think it was, referred to the case of Bishop Maughan the other day. I was not present, but I understood what he stated, that Maughan's was a case of polygamy. That is not so. Bishop Maughan was not convicted of polygamy; he was convicted

for unlawful cohabitation and adultery, and I leave it to the committee to determine how a man can be guilty of adultery with a woman claiming to be his wife, though she be a plural wife.

Judge McBRIDE. I made the statement on the report of the newspapers since I left.

Mr. CAINE. He was not convicted of polygamy, but of unlawful cohabitation and adultery, and the adultery was with his wife.

Mr. STRUBLE. With his first wife?

Mr. CAINE. I do not know which one, but it was decided he was a polygamist, and that he was living in unlawful cohabitation, and that he committed adultery with some one of them.

Judge McBRIDE. Can any one commit adultery with his wife?

Mr. CAINE. It seems that they can do almost anything in Utah under the rulings of the courts. From the strange interpretations given there, I would not be surprised if a man could be convicted of adultery who had no wife at all. I think a good many men in Utah ought to be convicted of adultery who are not.

Mr. TAULBEE. I do not understand the distinction between unlawful cohabitation and polygamy or bigamy as considered in the courts under the act of Congress.

Mr. CAINE. Unlawful cohabitation is the living together of a man with more than one wife.

Mr. TAULBEE. Let me state my understanding of it and see if I am correct, and then I have a question to ask you. If it is not perfectly agreeable to you, I will not make this interruption.

Mr. CAINE. It is perfectly agreeable.

Mr. TAULBEE. If I understand the construction your courts put upon the act of Congress, it is that cohabitation with a plural wife is not necessarily polygamy or bigamy, and it is denominated unlawful cohabitation if the polygamous marriage was contracted more than three years prior to the finding of the bill of indictment. Now, does the constitution reach unlawful cohabitation, being the bonds of matrimony known as a plural marriage, when that marriage was contracted more than three years prior to the time this law went into effect?

Mr. CAINE. The constitution says nothing about the subject of unlawful cohabitation. That was explained the other day, and I think the gentleman from Kentucky was here at the time.

Mr. TAULBEE. I had gotten a little confused on that point.

Mr. CAINE. A number of crimes of that class were left for the action of the legislature. I made the remark the other day, if you remember, that inasmuch as the constitution provided for the punishment of polygamous or bigamous marriages that such marriages would necessarily cease, and consequently there would be no unlawful cohabitation to punish.

Mr. DUBOIS. Mr. Taulbee, you are wrong, I think, in your statement there. It is not necessary that in order to constitute unlawful cohabitation that crime should have been committed three years prior. A polygamous marriage may have been entered into one year before this statute; but it is impossible, almost, to prove polygamy, and therefore they are charged with unlawful cohabitation, which is more easily proven.

Mr. TAULBEE. I am speaking about the crime of polygamy, the crime which constitutes the act of polygamy, under the constitution.

Mr. CAINE. The polygamous status may exist and yet there may be no crime. That status may exist and the parties not live together or cohabit, and such status could not be called unlawful cohabitation.

Mr. TAULBEE. That is my understanding.

Mr. ORAINE. Really, Mr. Chairman and gentlemen of the committee, it is a sheer waste of time to discuss this polygamy objection to the admission of Utah. There is nothing in it. The cry of polygamy! polygamy! raised on all occasions by the opponents of Utah, has had its day. It has answered its purpose, but it is a thing of the past, and no longer available. Those who oppose the admission of Utah recognize this fact. They have found a new objection—the union of church and state—the dominating influence of the church hierarchy, as they term it—the all-pervading and controlling power of the priesthood.

The stale slanders about polygamy answers a purpose in the maintenance of a hostile public opinion, and in this work the most reckless and adroit agents are employed. Memorials were presented to Congress at the last session in which the most absurd and wicked statements were recklessly made, and when their absolute falsity was proved by affidavits from Federal officials, the same stories were deliberately repeated on the lecture platform and widely published through the press. But recently a press dispatch from Salt Lake City set forth a statement about the increase of polygamous offenses, and the sole basis of fact on which it rested was this: In one district, where scarcely an effort had heretofore been made to enforce the law against unlawful cohabitation, a great many indictments had been found against old men, and they came in at the last term of court, many of them voluntarily, and submitted themselves to the law.

The judge himself told me that the great majority of the cases were against men between fifty and eighty years of age, very few being against men under fifty. Out of two hundred and fifty cases there were only four persons suspected of polygamy; that is, a polygamous marriage contracted within the last three years; but three of these cases were, in the language of the judge, doubtful. Instead of the number of convictions and sentences at the recent terms of the courts being an evidence of defiance of the law, it is proof conclusive of submission thereto. Nearly all the prominent men of the church against whom indictments were pending and who had kept out of the way have come in and accepted the penalty imposed upon them. Is not this an indication of a general purpose to get these things behind them and accept the inevitable?

It is absurd to claim that the great mass of the Mormon people have not in perfect good faith accepted the situation and honestly intend to obey the law against polygamy and unlawful cohabitation. There are not in Utah, all told, two thousand men who ever have been polygamists, and at least 80 per cent. of these are old men. The great majority of these find it very difficult to make such provision for the support of their families as will enable them in appearance to obey literally the law against unlawful cohabitation as it has been interpreted by the courts. It is the appearance that constitutes guilt—the holding out, the seeming to keep up past relations. Even acts of humanity have been interpreted as guilty disobedience of the law.

Mr. Ferry says witnesses dare not testify against accused persons. But they do so testify. These convictions reported, when the parties have not pleaded guilty, have been secured in nearly every case by the testimony of the man's plural wife, his children, or his intimate friends. This is a matter of record as well as of common understanding. There have been cases of women who have refused to testify as to the fathers of their children, and they have been imprisoned for declining to give evidence that would bring them into public disrepute, and in some cases

expose them to prosecution for fornication ; because in Utah, under the ruling of the courts, women may be prosecuted for fornication with a man she claims to be her husband and recognized as such ; that is, in a polygamous sense. The facts are that these poor women dare not refuse to testify, on pain of imprisonment, and I defy Mr. Ferry to produce a single case of a witness who has been subjected to personal attack by a Mormon for testifying against him in a case of this character. There is, no doubt, reluctance on the part of witnesses to give evidence that would send a husband, protector, or father to prison, but there is no fear except that imposed by the terrors of a harshly executed law.

These gentlemen talked about men going like sheep to the polls and voting. You ought to see the polygamists in Utah march into the courts to receive sentence. They frequently appear in more than "blocks of five."

Mr. STRUBLE. Do they voluntarily appear ?

Mr. CAINE. Many of them do.

Mr. STRUBLE. How long have they commenced voluntary appearance for punishment ?

Mr. CAINE. Almost ever since the law commenced to be enforced, but more particularly within the last two years, since there has been a sentiment of fairness manifested in the execution of the law.

Mr. STRUBLE. Has not the most of the voluntary appearance been since the appointment of the last supreme judge ?

Mr. CAINE. No, sir. Men have all along gone up and plead guilty and taken their little dose of fine and imprisonment and served it out, being anxious to get the thing behind them.

I wish to say in answer to the charge that witnesses against Mormons are bulldozed so they dare not testify, there has been a system of bulldozing in Utah, if not of witnesses, at least of Mormons ; for instance, some two years ago, there was formed among the non-Mormons what is called the Loyal League. A member was required to contribute fifty cents a month for the support of agents in Washington to oppose statehood and to promote anti-Mormon legislation. In the mining camps, where Mormons and non-Mormons were employed, the Mormons had to contribute to this fund or lose their places. Men who had no faith in such schemes were forced to contribute their fifty cents a month for the traveling expenses and hotel bills of Judge Baskin and other gentlemen who have been here representing the anti-Mormon ring of Salt Lake City.

Mr. STRUBLE. You speak of those gentlemen constituting a ring ; do you wish to be understood by that as referring to the opposing delegation that they represent merely a few gentlemen who are organized there for the purpose of opposition to the Mormons and that they do not represent the Gentile sentiment there ?

Mr. CAINE. What I mean by a ring is, the people who are the agitators in this matter—I do not refer to the great mass of Gentiles. If it were not for the efforts of these agitators, and the misrepresentations that are made by them, the great mass of the non-Mormons would take no part nor lot in the matter ; but they are led to believe their interests are at stake, and hence their opposition.

Mr. STRUBLE. Do you pretend that the Gentile people there differ with these gentlemen who are here, in sentiment, upon the advisability of opposing the Mormon supremacy as it has now and heretofore existed ; are these gentlemen here simply representing a few men who are, strictly speaking, agitators, or have they the people back of them in this question ?

Mr. CAINE. I say, by their misrepresentations they have raised a sentiment among the non-Mormons there that is hostile to the Mormon people, and many of them are conscientiously, I presume, opposed to statehood.

Governor WEST. Can you say there is a Gentile in favor of it?

Mr. CAINE. I do not know that I can name one; if there were, they would be tabooed. No Gentile dare say he was in favor of statehood. He would soon be expelled from the Alta Club and all its privileges. And I want to warn this committee here of the great danger they are incurring. I will read a warning to them from the Salt Lake Tribune of January 11, commenting on an article from a Boston paper in regard to this State question. The editor says:

The above presents the situation clearly as it is. Understanding it perfectly, it should be the duty of the Gentiles of Utah to preserve the name of every advocate for admission, in Congress, that for all time to come they may be branded as unclean whenever they aspire to any position of honor or emolument.

Now, gentlemen, if you do not want to be branded as unclean, be careful not to report a bill for the admission of Utah.

But to resume: I believe that the great majority of the men who are known as polygamists, *i. e.*, men who have that legal status and are deprived of all voice in affairs, are honestly desirous of living within the law. As I have said, it is difficult for many of them to avoid the appearance of disobeying the law because of their situation financially. They have not the means to provide for their families other than by daily exertions.

There is room, gentlemen, for the exercise of not only charity, but philanthropic effort of a more substantial kind, in the settlement of this problem. Real statesmanship would prompt liberality in more than sentiment in dealing with the question. Instead of continuing to impose penalties upon the masses of the people who honestly desire to solve a troublesome problem, would it not be far wiser to meet them in a cordial spirit and try to devise ways to enable those who want to conform to the law to do so? You can not do this by placing the means in the hands of men and women who are themselves fanatics. You can not do it by providing means for unscrupulous missionaries and proselytes to ply their trade.

The opportunity to solve forever not only this problem, but to settle the whole Utah question and take it out of the legislative halls, is offered you. The opposition to the admission of Utah coming from that Territory is fomented and kept alive by unscrupulous, ambitious men. I do not include among them the conservative Gentiles, who mind their own business and are willing to live and let live. There is not a real business man in the Territory who need have the slightest fear that his interests will not be as secure with a State government as they are now. Indeed, every business man must know that with statehood the value of his property, the prosperity of his trade, will advance materially at once.

The bottom motive of the agitators in Utah is to bear rule themselves. Being in the minority, they want the majority proscribed. They steadily resist every attempt to bring about even business relations with the majority. They attempted to ostracize every non-Mormon who participated in the union movement for a combined municipal ticket at the last election in Salt Lake City. They resort to the only "bull-dozing" attempted in political matters in the Territory.

Mr. STRUBLE. Was it on that account?

Mr. CAINE. Yes, sir; and the governor knows how he was treated.

Perhaps he will state to the committee how he was abused, when he goes on the stand.

Governor WEST. You can state it.

Mr. CAINE. No, I do not wish to. I will not deprive you of that privilege.

Every Gentile who dissents from their schemes is denounced and abused and whipped into line, or dubbed a Jack Mormon, a name that strikes terror to every weak-kneed Gentile heart. They have a daily organ whose avowed purpose is to make friendly, social, and political relations between Mormons and non-Mormons impossible. "There must be no surrender. Continue to agitate, to create an adverse public opinion throughout the land, by any and all means, and the triumph of their side will be sure." The chances are all against those who profess a religion that is antagonistic to all other creeds. This is the spirit and these the arguments employed by our adversaries. All the talk of Judge McBride and others about the Mormons "obeying orders" and voting as they are told is the veriest nonsense, and is not supported by a scintilla of evidence. I most unhesitatingly declare that it is not true. There is no spot on the earth where the elective franchise is exercised with greater freedom than in Utah by the Mormon people, the ballot being absolutely secret. I speak from knowledge; Mr. McBride doubtless speaks from mere conjecture.

The CHAIRMAN. Mr. Caine, I would call your attention to the fact that it is very near 12 o'clock.

Mr. CAINE. I am not through yet. I have been interrupted so much with questions that I can not finish my argument before 12 o'clock.

The CHAIRMAN. We recognize that fact.

Mr. CAINE. I expected to have concluded within the time. How much time have I consumed?

The CHAIRMAN. One and a half hours.

Mr. WARNER. I should think that allowance should be made for the interruptions that have occurred.

The CHAIRMAN. Especially as the business of this committee is now before the House, the committee now, perhaps, had better adjourn.

Mr. WARNER. I move, then, that we adjourn until to-morrow at 10 o'clock.

Thereupon the committee adjourned until to-morrow, Thursday, at 10 o'clock a. m.

COMMITTEE ON TERRITORIES,
Thursday, January 17, 1889.

The committee met pursuant to adjournment.

Mr. CAINE continued his argument as follows:

The attempt to create the belief throughout the country that priestly influence will dominate the State, that the Mormon people are subjected to an ecclesiastical tyranny, is part of the shrewdly devised scheme and organized effort to accomplish the overthrow of the majority and the elevation to power of the minority.

Now how are you going to deal with this question, raised in this way, and for the purpose stated? Will you not naturally look to the constitution of this church which is claimed to arrogate both political and spiritual power? If you do, you will find that it is the most democratic church organization in the world. You will find that in its doctrines it proclaims and insists upon the disassociation of the civil and spiritual

powers. You will find on examining its organization that there is and can be no "one man power," and its history will disclose that whenever any attempt has been made, even in comparatively immaterial matters, to assume power at the expense of the body of the people, the people have invariably asserted and maintained their rights.

Permit me, before dealing seriatim with these propositions, to say that there is nowhere to be found a body of people who are so generally intelligent and well-informed, not only on all subjects relating to their church, but to things in general, as the Mormons are. I have pointed you to one significant fact, namely, that the percentage of illiteracy in Utah is less than in any Territory and than in most of the New England States. Take the body of the Mormon people and illiteracy is the exception. There are comparatively very few who can not read and write. It is a rare thing to find a Mormon family without reading matter. They are great readers. They are all more or less students of the Bible, of the sacred books of their church, and of religious literature generally.

You must remember that there is an army of Mormon missionaries in the field; that every young man in the church is liable to be called at any time to go out as a missionary. This, however, is not to preach polygamy. Young and middle-aged men are coming and going constantly. They go to all lands, they acquire languages, and teach and preach in almost all tongues. They not only read, but they see. They are posted in the manners, customs, and laws of the different countries where they labor. They thus acquire knowledge, which they bring home for use among their own people.

The natural tendency of the Mormon mind is independence of thought, there is no disposition to accept points of doctrine, or of belief even, from any one man. But it is the general consensus of the whole church which binds. There is opportunity for every one to express his views and to vote his sentiments.

The organization of the church is thoroughly democratic. The Book of Doctrines and Covenants, which is received as divine authority, says:

All things in the church must be done in order, and by common consent, and by faith, and much prayer.

It is provided further that—

No officer can be chosen in a regularly-organized branch of the church without the vote of that branch.

In fact, from the first presidency of the church down through all the gradations of offices and officers, if you choose to call them such, the vote of approval by the whole body of the people is required. "Common consent" is one of the chief corner-stones upon which the church stands. Moreover at every general conference of the church this common consent is required to be taken.

The great cardinal difference between the organization of the Church of Jesus Christ of Latter-Day Saints and other ecclesiastical organizations is its democracy. In fact, it may be truthfully said that the whole membership of the church, male and female, has not only a voice and vote, but each individual almost has something to do. Every male member is or may be one of the priesthood.

There are local district organizations; quarterly conferences are held in these districts or stakes, as they are called, and semi-annual general conferences of the whole church. There are no star-chambers, no consistories, where laws are made for the laity and rules of faith prescribed. The *common consent* of all must be had and respected, and

the rules and regulations to govern the members extend and apply to all the officers up to the president of the church himself.

As to the theory of the church in reference to affairs of state, let me say the opinions or theories of no man in the church—be he prophet or apostle—can be set up as superior to the accepted standards, one of which is the Book of Doctrine and Covenants, from which I now read what is held “Of government and laws in general:”

Now, gentlemen, my time will not permit me to read the whole of the article, but I would like to have it all printed in the record. I will read just two or three extracts.

OF GOVERNMENTS AND LAWS IN GENERAL.

That our belief with regard to earthly governments and laws in general may not be misinterpreted nor misunderstood, we have thought proper to present near the close of this volume our opinion concerning the same.

(1) We believe that governments were instituted of God for the benefit of man, and that he holds men accountable for their acts in relation to them, either in making laws or administering them, for the good and safety of society.

(2) We believe that no government can exist in peace except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

(3) We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice should be sought for and upheld by the voice of the people (if a republic) or the will of the sovereign.

(4) We believe that religion is instituted of God, and that men are amenable to Him and to Him only for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

(5) We believe that all men are bound to sustain and uphold the respective governments in which they reside while protected in their inherent and inalienable rights by the laws of such governments, and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgment are best calculated to secure the public interest, at the same time, however, holding sacred the freedom of conscience.

(6) We believe that every man should be honored in his station, rulers and magistrates as such being placed for the protection of the innocent and the punishment of the guilty; and that to the laws all men owe respect and deference, as without them peace and harmony would be supplanted by anarchy and terror, human laws being instituted for the express purpose of regulating our interests as individuals and nations between man and man, and divine laws given of Heaven, prescribing rules on spiritual concerns for faith and worship, both to be answered by man to his Maker.

(7) We believe that rulers, states, and governments have a right and are bound to enact laws for the protection of all citizens in the free exercise of their religious belief; but we do not believe that they have a right in justice to deprive citizens of this privilege or proscribe them in their opinions so long as a regard and reverence are shown to the laws, and such religious opinions do not justify sedition nor conspiracy.

(8) We believe that the commission of crime should be punished according to the nature of the offense; that murder, treason, robbery, and the breach of the general peace in all respects should be punished according to their criminality, and their tendency to evil among men, by the laws of that Government in which the offense is committed; and for the public peace and tranquillity all men should step forward and use their ability in bringing offenders against good laws to punishment.

(9) We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered and another proscribed in its spiritual privileges, and the individual rights of its members as citizens denied.

(10) We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, provided that such dealings be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to

take from them this world's goods, or to put them in jeopardy of either life or limb, neither to inflict any physical punishment upon them; they can only excommunicate them from their society and withdraw from them their fellowship.

(11) We believe that men should appeal to the civil law for redress of all wrongs and grievances, where personal abuse is inflicted, or the right of property or character infringed, where such laws exist as will protect the same; but we believe that all men are justified in defending themselves, their friends, and property, and the government from the unlawful assaults and encroachments of all persons, in times of exigency, where immediate appeal can not be made to the laws, and relief offered.

Mr. TAULBEE. What is that you are reading from?

Mr. CAINE. It is the Book of Doctrine and Covenants, which is one of the standard works of the church.

Is not this an exposition to which every liberal-minded man can subscribe? It is the established guide on these questions; and garbled extracts from individual speculative remarks, which have never been adopted by the church, are not to be considered as doctrine, particularly when they are not in harmony with the published creed.

But it is claimed that in practice the Mormons do not divide, as the members of other religious denominations do, on political questions. It is insisted that they stand together as one man, and hence it is assumed that this is by reason of the control of the priesthood.

Now take the case of the Lollards, the Waldenses, the Huguenots, the Covenanters, of any sect, where all others are arrayed in open hostility. The proscribed stand together. It can't be otherwise. The Mormons are proscribed, not only as to their creed, every other creed being hostile, but as to their political rights. You know that the demand has been made, is made to-day, to disfranchise all Mormons because of their religious belief. It was cloaked for a time by the pretense of being aimed solely at the practice of polygamy; but, that being abandoned, the pretense is that there is a church hierarchy which is dangerous in practice and in principle—antagonistic to American institutions. On the part of the Mormons it is a struggle, not only for existence, but to preserve property rights. It is actually a contest of local majority against a local minority, backed by outside influence, rallied by appeals to prejudice, largely engendered by sectarianism and general want of knowledge as to the real principle in issue.

Why is it that our opponents rake up from by-gone times old stories musty with age and misty with doubt? What is Utah to-day? That is the question. What kind of people are now asking for the rights of freemen? It is not the opinion or acts of men dead and buried years ago that we need to discuss. We are not holding a post-mortem examination. It is a living people and living issues that should engross our attention.

Now, what is the local situation? The Mormons found Utah a desert, deemed uninhabitable, a thousand miles of uninhabited regions on every hand. They redeemed the desert; they founded a great community; they made possible the settlement and development of the surrounding country; they made mining possible by supplying cheap food supplies; they made continental railway building a feasible undertaking fifty years before it would have been undertaken had they not created Utah; they made the region attractive to those not of their faith; they welcomed their coming, and in their conduct of Territorial affairs have had regard for the interests of all; the greatest good to the greatest number has been their aim.

Justice has been sure to all. What suitor ever complained that a Mormon jury did not give him justice? Life and property were secure everywhere. The great body of the Mormons are agriculturists. They

are conservative people. They believe in paying as they go, and dread private or public indebtedness. They do not believe in burdening future generations for the benefit of the present, and look with suspicion on "booms," whether engineered by Mormon or non-Mormon speculators. They fear the influence of the class that makes a trade of politics and of "engineering things." They believe in encouraging diversified industry and the development of the resources of the Territory, and every mining and manufacturing enterprise has been favored in the way of taxation.

Mr. Ferry, in his argument, insinuated that had it not been for the absolute veto power of the governor the Utah legislature would have unjustly taxed the mines. I happen to know better. I was in the legislature when the matter was discussed. It was not proposed to tax "a hole in the ground," nor a prospector's claim. But it was thought that patented mining property of established value ought to yield revenue on the same principle as farming, manufacturing, and mercantile property.

The mineral output from 1871 to 1889 was \$134,994,630, on which not a dollar of tax has been paid, the revenue law exempting mining claims, "the product of mines, and the ore in the mines." I do not think any mining man ought to say one word as to taxation of mines in Utah. Nevada is a mining State, and controlled by mining interests, and yet Nevada taxes the net proceeds of all mines and mining claims, and the State tax is nearly three times as much as the Territorial tax of Utah. •

But there is well-founded reason for fearing that if the faction which represents the minority and urges the relentless war on the majority succeeded in obtaining control of affairs, the conservative policy would be changed. The character of the men who are the chief agitators justifies this fear. Hence, it follows that the Mormon people stand together. Change the order of things—remove the pressure from all sides, and you will then see whether or not the Mormons will divide on political issues as the people of other sects do.

Our governor is here, and, I understand, for the special purpose of opposing statehood for Utah. He has kindly had himself interviewed in order, I suppose, that we might not be taken by surprise either by his appearance before this committee or by the arguments he intends to advance in support of the position he has taken. As reported in the New York Herald and other papers, he declares that "of the 220,000 people within the limits of the Territory, four-fifths are Mormons." Now four-fifths of 220,000 are 176,000, so that according to Governor West there are 44,000, all told, in Utah, who are not Mormons. He insists that if the 176,000 are given the power the 44,000 will be completely at the mercy of the majority. He, of course, knows that this is a gross exaggeration, but it suits his purposes, and is popular to talk in this way. He knows very well that it would not be possible for these 44,000 non-Mormons to be deprived of a single right of property or power by the 176,000 Mormons. He knows, moreover, that the 176,000 Mormons would not attempt to do anything of the kind. He knows that the Mormons are not fools, whatever else they may be.

In what way would the minority be completely at the mercy of the majority in Utah any more than in any other State? This is not a country where majorities are absolute. In addition to being hedged about by limitations and restrictions formulated in the supreme organic law of the land and in the constitution of the State itself, there is the overriding power of public opinion. It is the merest babble of fools to talk

about non-Mormons being at the mercy of the Mormons if Utah is made a State. In the first place the Mormons would have no object to serve by oppressing the non-Mormons; and in the second place they could not if they wanted to. It would be unwise and impolitic, admitting, for the sake of argument, that they would not be restrained by any higher motives. They could not gain what they want—statehood—by presenting a constitution which did not make absolutely secure the rights of the minority.

As to the other statements of Governor West, namely, that the Mormons, the 176,000 in Utah, "are ruled practically by a one-man power," it is unworthy of the representative of the majesty of the Federal authority in Utah. He is supposed to be disinterested, the citizen of another State sent to fill the position of executive of the Territory, and presumably without bias for or against the great majority of the people thereof. He comes here at whose solicitation? Presumably of his own accord, because he believes it to be his bounden duty, as a citizen of the United States, to protest against the admission of Utah as a State. He poses as a patriot and the friend of the 44,000 people of Utah who are to be at the mercy of the 176,000 Mormons, "ruled practically by a one man power. Very effective and affective, is it not? Beyond doubt, when he sought the appointment of governor of Utah, he had no thought of "going West to grow up with the country." Neither did he go forth from the famous "blue grass region" in the spirit of a missionary. He was simply a patriot—one who wanted an office; "simply that and nothing more." He got what he wanted, and it is to be presumed that when his term of office expires he will shake the alkaline dust of Utah from his shoes and hie away to the delectable blue-grass pasture and pleasant streams of his native State. Of course he is disinterested and the friend of the 44,000 in Utah who would be at the mercy of a majority ruled practically by a "one-man power."

Gentlemen of the committee, you are sensible men, and you can not, you will not, believe such twaddle. I have shown you that the Mormons are an intelligent people. I have pointed to some of their marvelous accomplishments in Utah. I have told you what their church organization is and how thoroughly democracy pervades it. I have read to you from our Book of Doctrine and Covenants the deliberately formulated and expressed views of that church organization on government, and you are bound to accept those views as the honestly-conceived and formally-declared purpose of that church organization. They have not been belied by the practice of the Mormon people. They were not formulated to serve a purpose or to conceal an object. They were to stand for all time. They are to day the honest sentiments and the guiding principles of all true Mormons.

Governor West says, in his Herald interview;

Confer the right of statehood upon Utah and the Mormons would frame a constitution and laws so unjust and arbitrary in their character that an outsider could not live among them.

Why did he say this? Will he say the same thing to you? Certainly not. He will doubtless say that if you confer statehood upon Utah when she presents a constitution that is republican in form, and guarantees life, liberty, and the pursuit of happiness to every human being, irrespective of creed, condition, and pursuits, and forbids polygamy and union of church and state, that the Mormon majority will attempt to do something which that constitution forbids. But you will not believe him for the simple reason that you would not believe the moon is made of green cheese, even if the governor of a Territory told you it

was. It is mere nonsense, but it is wicked, malevolent nonsense intended for the consumption of the unreflecting masses.

What object would the Mormons have to serve? What would they accomplish by such doings? To ask these questions is to suggest the answers. They would simply accomplish their own certain and speedy overthrow. You can only believe such twaddle by presupposing that the Mormons are knaves and fools.

And now what does our governor propose for the people of Utah?

A Territorial commission, acting in conjunction with the governor, which would control all appointments, would answer our purpose exactly.

I have no doubt it would, provided he was the governor, and the commission was in perfect accord with him. I verily believe that if he could be guarantied this he would consent to, out of pure patriotism, of course, serve his country in such capacity during the balance of his natural life. What would he do? He tells us, "we could break down the power of the church, and Utah would enter upon an era of prosperity such as no other Territory has ever known," which being interpreted, gentlemen of the committee, means having deprived the Mormon majority of power, we, Governor West & Co., would enter upon an era of prosperity such as no other set of patriots in this world ever dreamed of.

The power of the church, which is a euphonistic form of expression for the Mormon majority, is a terrible bugbear to all patriots like the governor. Naturally so. Their era of prosperity can not begin until it is disposed of in some way.

He wants it distinctly understood that he would not interfere with any man's religion. Hear him!

When I speak of breaking down the power of the church I must not be understood as opposing their religion *per se*. It is the church we are fighting.

I am perfectly certain that the governor and his coterie care very little about religion *per se*. If they did he and they would not be here engaged in the work they are. But how are they going to break down the power of the church? By taking away the political rights of every member of it. They will compromise right off with the Mormons provided they get the pudding and the Mormons take the bag. They are modest, and only want to run the machine themselves.

It is all well enough for these gentlemen who assert that the Mormon Church "is a huge political machine," controlled by a "one-man power," but it is mere assertion. It is, moreover, a false assertion. The Mormon Church is not a political machine, and it is not controlled by one man. As an ecclesiastical organization it is not controlled by one man or by twelve men in anything that pertains to its affairs. The whole body of the church, the members themselves, control, and common consent is the corner stone of its organization. Without the consent and approval of the people nothing can be done, and nothing is done. And this consent and approval is not a mere formality. It is an essential thing, recognized by all, acquiesced in by all, and, moreover, it is an intelligent, independent, not a mere blind, meaningless act.

Are you prepared to make war on any church organization? Are you prepared to follow Governor West and "fight" this or that church because its members, by the circumstances which surround them, stand together for the protection of the dearest and most precious rights of freemen? It will be a sorry day for this country and for you and your posterity when "church fighting" begins. It will not stop with the Mormon Church.

What right has any one to apply a religious test to the people of a Territory seeking the privileges of statehood, to which they are entitled? They are Americans, citizens of the United States. They have presented to you a constitution republican in form, prohibiting polygamy, and providing penalties against transgressors of the fundamental law, and making the union of church and state impossible. If you do not like their religion and do not believe that God takes enough interest in the human family of to-day to vouchsafe revelations, should you deprive the people of Utah of an inherent right? I would commend to you the language of John Quincy Adams in the debate on the admission of the Territory of Arkansas into the Union as a State. He hated slavery and believed it to be the "sum of all villainies." He believed the extension of slavery, by the admission of new slave States, to be fraught with great danger to the Union and to the cause of free republican institutions. But he had regard for the Constitution and the obligations of his oath. He said:

I can not consistently, with my sense of my obligations as a citizen of the United States, and bound by oath to support their Constitution, object to the admission of Arkansas into the Union as a slave State; I can not propose or agree to make it a condition of her admission that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana and Mississippi and Alabama and Missouri have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded Territories all the rights, privileges, and immunities of the original citizens of the United States, and stipulates for their admission conformably to that principle into the Union.

The people of Utah are entitled to all the rights, privileges, and immunities of citizens of the United States who have built up a new Commonwealth and are in numbers equal to the ratio of representation in the House of Representatives, and when they come with a constitution republican in form they have complied with the only constitutional requirement. As Congress is the arbiter, so far as the full enjoyment of statehood is concerned, it may prescribe extra constitutional requirements, so far as the Constitution of the United States does not forbid; and in so far as the laws respecting polygamy and kindred offenses are concerned, we do not object to any reasonable provisions which may be prescribed. But into the domain of religious thought, church organization, church creeds, and purely ecclesiastical rules, you can not go. If you could, how soon would there be an end of religious liberty in this country! Thomas Jefferson would not think of accepting the Constitution of the United States without an amendment which embodied the principle of the great ordinance on religious liberty which he drew for Virginia. Well might he desire to have the fact engraved upon his tombstone, that he was the author of two of the greatest papers composed by mortal mind—the Declaration of Independence and the Virginia Statute on Religious Liberty.

Mr. Chairman and gentlemen of the committee, I thank you for your kind attention.

Mr. WARNER. Mr. Caine, just before you sit down, a moment; the book you read from is the Doctrine and Covenants of the Mormon church?

Mr. CAINE. Yes, sir.

Mr. WARNER. I would, without reading them, like to have inserted after your remarks extracts from section 132, the revelation on the doctrine of the marriage covenant, including plurality of wives and the power of the priesthood, subdivisions 53 to 66, inclusive.

Mr. CAINE. All right, sir; I will furnish it to the reporter; if the committee do not object, I would prefer to publish the revelation entire.

Mr. BASKIN. The doctrine Mr. Caine read from is not a revelation.

Mr. CAINE. It is held as binding on the church as if it were a revelation.

Mr. BASKIN. That is not binding on the church because—

Mr. CAINE. I submit that Mr. Baskin is not a member of the Mormon Church, and does not know what is binding on the church. Permit me to know what I am talking about.

Mr. WARNER. I would call the attention of the judge to the fact that a part of this is a part of the revelation.

Mr. BASKIN. Yes, sir; but the one he read is not revelation; that they believe there is not revelation.

Mr. CAINE. But we recognize that as being binding.

Mr. BARNES. Is that book obtainable in the library?

Mr. CAINE. Yes, sir; I think so. If not, I can furnish it.

SEC. 132. *Revelation on the eternity of the marriage covenant, including plurality of wives, given through Joseph, the Seer, in Nauvoo, Hancock County, Ill., July 12, 1843.*

1. Verily, thus saith the Lord unto you, my servant Joseph, that inasmuch as you have inquired of my hand, to know and understand wherein I, the Lord, justified my servants, Abraham, Isaac, and Jacob; as also Moses, David, and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines:

2. Behold! and lo, I am the Lord thy God, and will answer thee as touching this matter:

3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have the law revealed unto them must obey the same;

4. For behold! I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory;

5. For all who will have a blessing at my hands shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world.

6. And as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory; and he that receiveth a fullness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

7. And verily I say unto you, that the conditions of this law are these: All covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations, or expectations that are not made, and entered into, and sealed by the Holy Spirit of promise of him who is anointed, both as well for time and for all eternity, and that too most holy, by revelation and commandment through the medium of mine anointed, whom I have appointed on the earth to hold this power (and I have appointed unto my servant Joseph, to hold this power in the last days, and there is never but one on the earth at a time on whom this power and the keys of this priesthood are conferred), are of no efficacy, virtue or force, in and after the resurrection from the dead; for all contracts that are not made unto this end have an end when men are dead.

8. Behold! mine house is a house of order, saith the Lord God, and not a house of confusion.

9. Will I accept of an offering, saith the Lord, that is not made in my name!

10. Or, will I receive at your hands that which I have not appointed!

11. And will I appoint unto you, saith the Lord, except it be by law, even as I and my Father ordained unto you before the world was!

12. I am the Lord thy God, and I give unto you this commandment, that no man shall come unto the Father but by me or by my word which is my law, saith the Lord.

13. And everything that is in the world, whether it be ordained of men, by thrones, or principalities, or powers, or things of name, whatsoever they may be, that are not by me or by my word, saith the Lord, shall be thrown down, and shall not remain after men are dead, neither in nor after the resurrection, saith the Lord your God.

14. For whatsoever things remain are by me, and whatsoever are not by me shall be shaken and destroyed.

15. Therefore, if a man marry him a wife in the world, and he marry her not by me nor by my word, and he covenant with her so long as he is in the world, and she with him, their covenant, and marriage are not of force when they are dead, and when they

are out of the world ; therefore, they are not bound by any law when they are out of the world.

16. Therefore, when they are out of the world, they neither marry nor are given in marriage, but are appointed angels in heaven, which angels are ministering servants, to minister for those who are worthy of a far more and an exceeding and an eternal weight of glory.

17. For these angels did not abide my law, therefore they can not be enlarged, but remain separately and singly, without exaltation, in their saved condition, to all eternity, and from henceforth are not gods, but are angels of God for ever and ever.

18. And again, verily I say unto you, if a man marry a wife, and make a covenant with her for time and for all eternity, if that covenant is not by me, or by my word, which is my law, and is not sealed by the Holy Spirit of promise, through him whom I have anointed and appointed unto this power, then it is not valid, neither of force when they are out of the world, because they are not joined by me, saith the Lord, neither by my word ; when they are out of the world, it can not be received there, because the angels and the gods are appointed there, by whom they can not pass ; they can not therefore inherit my glory, for my house is a house of order, saith the Lord God.

19. And again, verily I say unto you, if a man marry a wife by my word, which is my law, and by the new and everlasting covenant, and it is sealed unto them by the Holy Spirit of promise, by him who is anointed, unto whom I have appointed this power, and the keys of this priesthood ; and it shall be said unto them, ye shall come forth in the first resurrection ; and if it be after the first resurrection, in the next resurrection ; and shall inherit thrones, kingdoms, principalities, and powers, dominion, all heights and all depths—then shall it be written in the Lamb's book of life, that he shall commit no murder whereby to shed innocent blood, and if ye abide in my covenant, and commit no murder whereby to shed innocent blood, it shall be done unto them in all things whatsoever my servant hath put upon them in time and through all eternity, and shall be of full force when they are out of the world ; and they shall pass by the angels and the gods which are set there to their exaltation and glory in all things, as hath been sealed upon their heads, which glory shall be a fullness and a continuation of the seeds for ever and ever.

20. Then shall they be gods, because they have no end ; therefore shall they be from everlasting to everlasting, because they continue ; then shall they be above all, because all things are subject unto them. Then shall they be gods, because they have all power, and the angels are subject unto them.

21. Verily, verily I say unto you, except ye abide my law, ye can not attain to this glory.

22. For strait is the gate, and narrow the way that leadeth unto the exaltation and continuation of the lives, and few there be that find it, because ye receive me not in the world, neither do ye know me.

23. But if ye receive me in the world, then shall ye know me, and shall receive your exaltation, that where I am, ye shall be also.

24. This is eternal life, to know the only wise and true God, and Jesus Christ whom he hath sent. I am he. Receive ye, therefore, my law.

25. Broad is the gate, and wide the way that leadeth to the deaths, and many there are that go in thereat ; because they receive me not, neither do they abide in my law.

26. Verily, verily I say unto you, if a man marry a wife according to my word, and they are sealed by the Holy Spirit of promise, according to mine appointment, and he or she shall commit any sin or transgression of the new and everlasting covenant whatever, and all manner of blasphemies, and if they commit no murder wherein they shed innocent blood—yet they shall come forth in the first resurrection, and enter into their exaltation ; but they shall be destroyed in the flesh, and shall be delivered unto the buffetings of Satan unto the day of redemption, saith the Lord God.

27. The blasphemy against the Holy Ghost, which shall not be forgiven in the world, nor out of the world, is in that ye commit murder, wherein ye shed innocent blood, and assent unto my death, after ye have received my new and everlasting covenant, saith the Lord God ; and he that abideth not this law, can in no wise enter into my glory, but shall be damned, saith the Lord.

28. I am the Lord thy God, and will give unto thee the law of my Holy Priesthood, as was ordained by me, and my Father, before the world was.

29. Abraham received all things, whatsoever he received, by revelation and commandment, by my word, saith the Lord, and hath entered into his exaltation, and sitteth upon his throne.

30. Abraham received promises concerning his seed, and of the fruit of his loins—from whose loins ye are, namely, my servant Joseph—which were to continue so long as they were in the world ; and as touching Abraham and his seed, out of the world they should continue ; both in the world and out of the world should they continue as innumerable as the stars ; or, if ye were to count the sand upon the sea-shore, ye could not number them.

31. This promise is yours, also, because ye are of Abraham; and the promise was made unto Abraham; and by this law are the continuation of the works of my Father, wherein he glorifieth himself.

32. Go ye, therefore, and do the works of Abraham; enter ye into my law, and ye shall be saved.

33. But if ye enter not into my law ye can not receive the promise of my Father, which he made unto Abraham.

34. God commanded Abraham, and Sarah gave Hager to Abraham to wife. And why did she do it? Because this was the law; and from Hager sprang many people. This, therefore, was fulfilling, among other things, the promises.

35. Was Abraham, therefore, under condemnation? Verily, I say unto you, nay; for I, the Lord, commanded it.

36. Abraham was commanded to offer his son Isaac; nevertheless, it was written, thou shalt not kill. Abraham, however, did not refuse, and it was accounted unto him for righteousness.

37. Abraham received concubines, and they bear him children, and it was accounted unto him for righteousness, because they were given unto him, and he abode in my law, as Isaac also, and Jacob did none other things than that which they were commanded, and because they did none other things than that which they were commanded they have entered into their exaltation, according to the promises, and sit upon thrones, and are not angels, but are gods.

38. David also received many wives and concubines, as also Solomon and Moses, my servants; as also many others of my servants, from the beginning of creation until this time, and in nothing did they sin, save in those things which they received not of me.

39. David's wives and concubines were given unto him, of me, by the hand of Nathan, my servant, and others of the prophets who had the keys of this power; and in none of these things did he sin against me, save in the case of Uriah and his wife; and, therefore he hath fallen from his exaltation, and received his portion; and he shall not inherit them out of the world; for I gave them unto another, saith the Lord.

40. I am the Lord thy God, and I gave unto thee, my servant Joseph, an appointment, and restore all things; ask what ye will, and it shall be given unto you according to my word:

41. And as you have asked concerning adultery—verily, verily I say unto you, if a man receiveth a wife in the new and everlasting covenant, and if she be with another man, and I have not appointed unto her by the holy anointing, she hath committed adultery and shall be destroyed.

42. If she be not in the new and everlasting covenant, and she be with another man, she has committed adultery.

43. And if her husband be with another woman, and he was under a vow, he hath broken his vow, and hath committed adultery.

44. And if she hath not committed adultery, but is innocent, and hath not broken her vow, and she knoweth it, and I reveal it unto you, my servant Joseph, then shall you have power, by the power of my holy priesthood, to take her and give her unto him that hath not committed adultery, but hath been faithful; for he shall be made ruler over many;

45. For I have conferred upon you the keys and power of the priesthood, wherein I restore all things, and make known unto you all things in due time.

46. And verily, verily, I say unto you, that whatsoever you seal on earth shall be sealed in heaven; and whatsoever you bind on earth in my name and by my word, saith the Lord, it shall be eternally bound in the heavens; and whatsoever sins you remit on earth shall be remitted eternally in the heavens; and whatsoever sins you retain on earth shall be retained in heaven.

47. And again, verily I say, whomsoever you bless, I will bless, and whomsoever you curse, I will curse, saith the Lord; for I, the Lord, am thy God.

48. And again, verily I say unto you, my servant Joseph, that whatsoever you give on earth, and to whomsoever you give any one on earth, by my word, and according to my law, it shall be visited with blessings, and not cursings, and with my power, saith the Lord, and shall be without condemnation on earth, and in heaven;

49. For I am the Lord thy God, and will be with thee even unto the end of the world, and through all eternity; for verily, I seal upon you your exaltation, and prepare a throne for you in the kingdom of my Father, with Abraham, your father.

50. Behold, I have seen your sacrifices, and will forgive all your sins; I have seen your sacrifices, in obedience to that which I have told you; go, therefore, and I make a way for your escape, as I accepted the offering of Abraham, of his son Isaac.

51. Verily, I say unto you, a commandment I give unto mine handmaid, Emma Smith, your wife, whom I have given unto you, that she stay herself, and partake not of that which I commanded you to offer unto her; for I did it, saith the Lord, to

prove you all, as I did Abraham ; and that I might require an offering at your hand, by covenant and sacrifice ;

52. And let mine handmaid, Emma Smith, receive all those that have been given unto my servant Joseph, and who are virtuous and pure before me ; and those who are not pure, and have said they were pure, shall be destroyed, said the Lord God ;

53. For I am the Lord thy God, and ye shall obey my voice ; and I give unto my servant Joseph, that he shall be made ruler over many things, for he hath been faithful over a few things, and from henceforth I will strengthen him.

54. And I command my handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But, if she will not abide this commandment, she shall be destroyed, saith the Lord ; for I am the Lord thy God, and will destroy her, if she abide not in my law ;

55. But if she will not abide this commandment, then shall my servant Joseph do all things for her, even as he hath said ; and I will bless him and multiply him, and give unto him an hundred-fold in this world, of fathers and mothers, brothers and sisters, houses and lands, wives and children, and crowns of eternal lives in the eternal worlds.

56. And again, verily I say, let my handmaid forgive my servant Joseph his trespasses ; and then shall she be forgiven her trespasses, wherein she has trespassed against me ; and I, the Lord thy God will bless her, and multiply her, and make her heart to rejoice.

57. And again, I say, let not my servant Joseph put his property out of his hands, lest an enemy come and destroy him ; for Satan seeketh to destroy ; for I am the Lord thy God, and he is my servant ; and behold ! and lo, I am with him, as I was with Abraham, thy father, even unto his exaltation and glory.

58. Now, as touching the law of the priesthood, there are many things pertaining thereunto.

59. Verily, if a man be called of my Father, as was Aaron, by mine own voice, and by the voice of him that sent me ; and I have endowed him with the keys of the power of this priesthood, if he do anything in my name, and according to my law, and by my word, he will not commit sin, and I will justify him.

60. Let no one, therefore, set on my servant Joseph, for I will justify him, for he shall do the sacrifice which I require at his hands, for his transgressions, saith the Lord your God.

61. And again, as pertaining to the law of the priesthood : If any man espouse a virgin, and desire to espouse another, and the first gave her consent, and if he espouse the second, and they are virgins, and have vowed to no other man, then he is justified ; he can not commit adultery, for they are given unto him ; for he can not commit adultery with that that belongeth unto him and to no one else.

62. And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him, and they are given unto him, therefore is he justified.

63. But if one or either of the ten virgins, after she is espoused, shall be with another man, she has committed adultery, and shall be destroyed ; for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world ; and for their exaltation in the eternal worlds, that they may bear the souls of men ; for herein is the work of my Father continued that he may be glorified.

64. And again, verily, verily I say unto you, if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe, and administer unto him, or she shall be destroyed, saith the Lord your God, for I will destroy her ; for I will magnify my name upon all those who receive and abide in my law.

65. Therefore, it shall be lawful in me, if she receive not this law, for him to receive all things whatsoever I, the Lord his God, will give unto him, because she did not administer unto him according to my word ; and she then becomes the transgressor ; and he is exempt from the law of Sarah, who administered unto Abraham according to the law, when I commanded Abraham to take Hagar to wife.

66. And now, as pertaining to this law, verily, verily I say unto you, I will reveal more unto you hereafter ; therefore, let this suffice for the present. Behold, I am Alpha and Omega. Amen.

STATEMENT OF HON. F. T. DUBOIS, DELEGATE FROM THE TERRITORY OF IDAHO.

Mr. DUBOIS said:

Mr. Chairman and gentlemen of the committee: It had not been my intention to take up any of your valuable time, especially after the full and clear arguments which have been made on our side by the representatives who appeared before you in behalf of the Gentiles of Utah.

Some statements have been made, however, and especially by the volunteer from Arizona, which are calculated to mislead you and the country in regard to the sentiments of the communities adjacent to Utah, and in compliance with the wishes of my own Territory, I will address you briefly. There are a number of Mormons in Idaho, 15,000 I should say, and as they are governed from the head center of the organization, which is at Salt Lake City, and receive and obey all orders for their guidance from the head-center, I will not be disputed when I say that there is no difference between a Mormon in Utah and a Mormon in Idaho, and in consequence, while discussing the Idaho Mormon, I am discussing the Utah Mormon.

I went to Idaho in the summer of 1880, and took up my residence in that portion of the Territory where the Mormons are settled.

In 1882 I was appointed United States marshal, and as such officer made the first arrest which was made under the Edmunds law of 1882. There was no doubt about the guilt of Mr. Henderson, but it took three terms of court and about fifteen months to convict him. Why? Juries were drawn regularly at that time from the body of the citizens, and only the usual questions asked them. In consequence, Mormons were on every jury, and there were exactly as many votes for acquittal as there were Mormons on the jury.

It is simply out of the question to convict a Mormon of polygamy or unlawful cohabitation, with a Mormon jury. Afterwards we put the question to jurors, whether they "believed it right for a man to have more than one living and undivorced wife at the same time." An answer in the affirmative was held to be sufficient cause for not allowing them to serve.

I have yet to find a Mormon in good standing, who will categorically answer that question in the negative. During my four years' experience as United States marshal I failed to find one who would. They will treat you to long drawn-out arguments about the duties of citizens to obey the laws, and all that, but will not say without hesitation or equivocation: "I do not believe it right for a man to have more than one living and undivorced wife at the same time."

Convictions came readily enough after that with non-Mormon juries, provided also non-Mormon witnesses could be secured. When the dependence of the prosecution is on Mormon witnesses, convictions are almost impossible. I have frequently heard fathers and brothers testify that they did not know who the father of their 'daughters' and sisters' children were; that they did not have sufficient curiosity to inquire. I recall one case when the second wife, a young woman of twenty or twenty-one, swore that she was not married to defendant, had never treated him as husband in any manner, and grew very indignant at the insinuation of any tender relation. The first wife swore to the same thing; also the husband, father, mother, brother, and sister of the girl. The girl had a child by him within six months, and it came out afterward that when she was testifying she was the mother of a child by

him. He was convicted by Gentile testimony, and his two wives and family left the Territory for fear of prosecution for perjury.

Such occurrences as the above are the rule and not the exception. If the case is clear against them by non-Mormon evidence, they plead guilty, but if they go to trial, no convicting testimony can be wrung from a Mormon witness save by the skill of the prosecutor.

A point is sought to be made by the advocates of Utah's admission because there are and have been so few convictions for polygamy. They do not deny the large number of convictions for unlawful cohabitation, but seem to put that offense to one side as a trivial matter. From what little I have said you can see that it would be almost impossible to convict of polygamy. The polygamist or plural marriage is solemnized in the endowment house, which is closed to all save Mormons. To convict of polygamy the second marriage has to be proven, and you have none but Mormons to prove it by. Unlawful cohabitation is the living together as man and wife when you have another wife living. The courts in Idaho and Utah rule that if you "hold out to the world a woman as your wife when you have another wife living, you are guilty of unlawful cohabitation."

It is the great boast of the Mormons that they are virtuous; that they have no intercourse with women other than their wives. They insist, when convicted of unlawful cohabitation, that they are married to the second, third, or sixth wife and are bound to provide for and protect her and her children. It strikes me that the distinction they seek to draw is a very fine one. It is polygamy in both cases, only in one you can not prove the marriage.

I have had occasion to assert before and I reiterate that in my judgment one-third of the adult Mormons in Idaho are in the polygamic relation. I should think the proportion is larger in Utah. There does not seem to be any disposition on the part of the church to give up the practice. I will come to that latter on in a few remarks which I desire to make in regard to the civil power of the church.

When Mr. Caine and other gentlemen talk in regard to the proportion of polygamists and say that from 1 to 1½ per cent. are in polygamy, they make the statement purposely so as to mislead you. In making the calculation they take in all the Gentiles in Utah, 40,000 or 50,000, who are not supposed to, and do not, practice polygamy; and they also include in their calculation all the children in the Territory. Now, when you are considering the question of polygamy, it is only fair to include those in the calculation who are of a proper age to perform the duties of married life; therefore I say when you take the adult Mormons of Utah it can be easily demonstrated that at least one-third of them are in polygamy, one-third of the adult Mormon men and women.

When I went to Idaho the Mormons were a large minority in my county, Oneida. The Gentiles were practically arrayed against them politically under different party names, as Tax-payers' or People's. The Mormons went under the name of Democrat, and were careful always to give some Democrats positions on the county ticket to secure their support for the ticket. As the Mormons increased in strength the number of Democrats on the ticket dwindled. At the so-called Democratic convention held in my county in 1884 a Mormon bishop appeared who had been in the county but thirty days and read off a list of officers for the county, from sheriff to coroner, which was accepted by a vote of thirty-five to seven, there being thirty-five Mormons and seven Gentiles in the convention. It was openly charged and not denied that this list came from Logan, in Utah, from those high in authority in the church

there. The list did not include any Gentiles, save for two insignificant offices. The Mormons had figured that they had a majority, and proposed to take possession of the county under the direction of the church.

In Utah, you understand, they have never in the past shown any disposition to allow any one not of their faith to hold an office. There have been a very few exceptions, but always for a plain purpose. They made a slight mistake in their calculations, however, in my county, as their bold action alarmed the Gentiles, who plainly saw the design of the Utah authorities to put the county under Mormon rule. The Gentiles united as "anti-Mormons" and carried the election, thus securing one-sixth of the legislature. The church had up to that time virtually controlled the selection of our Delegate in Congress, and attempt to do so now.

I can tell the gentleman from Arizona, Mr. Bean, in passing, that he did not work his scheme for Mormon votes very shrewdly. He should not have wasted his time on the home bishops, but gone to Salt Lake and gained the support of the president of the church. The president would have taken care of the bishops, who would have voted the lay Mormons for him.

The legislature following that election, 1884-'85, passed the following test oath. After prescribing the usual qualifications of voters, as to age, citizenship, and so on, it requires the following oath to be taken :

I do further swear that I am not a bigamist or polygamist ; that I am not a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or resulting from membership in such order, organization, or association, or which practices bigamy or polygamy or plural or celestial marriage as a doctrinal rite of such organization; that I do not, and will not, publicly or privately, or in any manner whatever, teach, advise, counsel or encourage any person to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a religious duty or otherwise.

No one in Idaho can vote, hold office, or sit on juries who does not take that oath.

I trust the committee will bear in mind that the legislature was about evenly divided between Democrats and Republicans, and that this act disfranchised 1,500 to 2,000 voters who had always voted the Democratic ticket, and the loss of whose votes would jeopardize the supremacy of the Democratic party in the Territory. There were a few Mormons in the legislature from other counties, but with the exception of them the vote was unanimous.

The Mormons were in such a minority in the Territory that there was and could be no danger of their gaining the ascendancy. Yet the arrogant assumption of their leaders in Utah in dictating to the free Americans in Idaho in regard to their political affairs, and their hostility to the laws of the land, and pernicious and open practice of polygamy, aroused the patriotism of all classes to that degree that the Democratic party cheerfully and eagerly united with the Republican party in saying to them :

• You are not entitled to citizenship, therefore we will take away the privilege of voting which we have given you.

This action in Idaho doesn't agree with Mr. Richards's slur on the Gentiles of Utah "that they were actuated by no higher motive in their opposition to statehood and desire for a commission than greed for office; that they were opposed to the Mormon institution because the Mormons were in the political majority." In Idaho 85,000 American citizens practically unite in proclaiming that 15,000 priest-governed

Mormons are not fit for citizenship and are a menace to the State. It is considered a disgrace in Idaho for either party to receive their support, and neither party will allow them to participate in their conventions. The minority does not fear the majority in any other portion of our country save Utah. There is no protest from the Democrats of Dakota against the admission of that State, although there is a Republican majority of 40,000. The Democrats even hope to overturn the 40,000 majority.

No one ever figures on changing the political convictions of a Mormon. Their political convictions are furnished them by their spiritual leaders. Mr. Caine makes no canvass for a nomination or an election. The Mormons do not present to the people, in public meetings or otherwise, the issues before the people, and upon which parties divide. The order is simply issued that Mr. Caine shall be nominated for Congress, Mr. Richards for city attorney, and so on. No questions are asked and they can confidently rely on every Mormon vote. The votes would be against them just as solidly if it was the order of the church.

Mr. CAINE. Is it not a fact that I have made a canvass in Utah three times for the position of Delegate?

Mr. DUBOIS. I do not understand that you have gone out and made public speeches and discussed the political questions at issue before the people as is done by candidates elsewhere.

Mr. CAINE. I have, sir, at every election except the last one, when I was absent; when I was in Congress.

Mr. DUBOIS. The election was some time after Congress adjourned. Congress adjourned the 20th of October.

Mr. CAINE. I know it, but I was not there but a short time before the election, but I have made canvasses previously. I wish to make this correction.

Mr. DUBOIS. I wish to state that there is no canvass made by the Mormons in Utah the same as are made by other political parties in other parts of the country. Allow me to state this—I will let you state it for Utah—I will state it for my own Territory.

Mr. BASKIN. I say that is also the practice in Utah.

Mr. DUBOIS. I state that in my own Territory, if a Mormon is a candidate for sheriff or any position, he does not go around and ask the people to support him in convention or caucus, he does not submit his claims to the people through the newspapers or any other way; but he simply goes to the bishop and states that he would like to have this nomination, and if the bishop thinks it is to the best interests of the church, he is nominated for that position and no questions are asked. He does not ask anybody to vote for him, but as a matter of course he gets the vote of the church.

Mr. BASKIN. I have been interested in politics there for twenty years, and I organized the Liberal party, and I have never known during that time but one political canvass, and that was when Mr. Caine ran against Mr. Van Zile. If it has been done, it has been done in the council-house in a secret meeting and not a matter known to the public.

Mr. CAINE. Gentlemen, that statement is not correct. I made a canvass against Judge Van Zile and a canvass against Mr. Perry and a canvass against Mr. Smith. The only person I did not make a canvass against was Judge Baskin, and I did not consider it worth while.

Mr. BASKIN. I never heard of a political meeting held during all these years except in the case of Van Zile. Governor West has been there for a number of years—

The CHAIRMAN. I suggest, gentlemen, that you allow Mr. Dubois to proceed with his argument.

Mr. DUBOIS. Let me call your attention to the "test oath" which I read. It provides that no one who belongs, etc., "can vote." If the Mormon Church doesn't teach and practice polygamy, as has been claimed, why do they object to that oath? Polygamy is a tenet of faith of the church. It is a part of their doctrine and covenant. There has been no renunciation of it by the church. There has been no revelation to discard it. Individuals assert that it has been abandoned, but they can not and do not speak for the church government, any more than an individual Presbyterian could change an article of faith of the Presbyterian Church by asserting that it had been given up.

The Mormons in Idaho resorted to every means to evade this test oath. They tried its constitutionality before the Republican chief justice, before the Democratic chief justice, before a Democratic associate justice, and before the supreme court of the Territory, and failed unanimously in every case.

Finally, they ceased to teach polygamy *openly* in Idaho, and then, just before the last election, their chief bishops and presidents of stakes came into court, on a case made up by themselves, and swore that they did not and had not for some time taught polygamy; hence their members should be allowed to register and vote, because they did not belong to an organization which taught, etc. When cross-examined, every one of them admitted that he at that very moment had from two to three wives; that he was a polygamist.

As a last resort, in order to gain political control, this church "cut off" large numbers from fellowship a few days before election, with the avowed understanding that they were to be taken back immediately after the election.

I hope you will bear in mind all the time that these political maneuverings were not performed by a political organization of any kind, but by the leaders of the church in their spiritual capacity.

It might be interesting for you to listen to a report which was made by a committee of the legislative council (senate) of Idaho, now in session, on a contested case. Bear Lake County is absolutely under the control of Mormons, and we find it impossible to enforce any laws there, either United States or Territorial, which affect the church. It is the only county in the Territory which the Mormons control, and their system shines out in a full blaze of glory. The Mr. Taylor who makes this report is a Missouri Democrat, who believed before coming in contact with these people that stealing horses and voting for Republicans were crimes of equal magnitude.

Report of committee on privileges and elections, S. F. Taylor, chairman.

Mr. PRESIDENT: Your committee on elections beg leave to report as follows:

Immediately after our appointment and organization, a claim was laid before us by Thomas Sparks, esq., claiming the seat in this council as a member for the district, comprised of the counties of Cassia, Oneida, and Bear Lake, this seat being now held by Hon. J. W. Lameroux. We thereupon notified the sitting member of this claim, who upon his appearance asked time to procure counsel, and on the same day we began an investigation of the claim of the contestant, which was in substance that Mr. Lameroux had been declared elected by reason of illegal votes cast and counted for him.

The contestant appeared in person and also by Fremont Wood and H. W. Smith, his attorneys, and the contestee also appeared in person and by Hon. James H. Hawley, his attorney. We have since devoted all the time we possibly could to taking testimony, and find the following facts to be true:

First. That at the late election in this council district there was cast and counted for the respective candidates the following votes:

J. W. Lameroux 673 votes, and Thomas Sparks 642 votes; of these Mr. Lameroux received 527 votes and Mr. Sparks 86 votes in Bear Lake County. Lameroux

106 votes and Sparks 245 votes in Oneida County; Lameroux 40 votes and Sparks 311 votes in Cassia County; showing a net majority of 31 votes for Lameroux.

Second. We also find that in this council district, as well as in the county of Bingham adjoining, are a larger number of persons who are members of the Mormon church, and who, by the laws of this Territory, are not entitled to register or vote at any election.

Third. That just prior to the late election the leaders and chiefs of these people repeatedly declared that it was the purpose of these people to evade this law by some process of wholesale cutting off or withdrawal from the church. And this, or something of this nature, it appears, was generally done, but that it was the veriest subterfuge, inasmuch as all the witnesses agree that there is not and has not been the slightest evidence of apostacy from the church; nor has there been any apparent change in the relations of these members to the church, and more than all this it appears conclusively that this cutting-off scheme originated with the chiefs and priests of this church, and was encouraged by them, and that it did not originate with the people professionally cut off.

Fourth. It fully appears that at the very outside there are not to exceed 200 male persons of voting age in Bear Lake County who are non-Mormons, or, as termed generally, Gentiles. The weight of evidence seems to be that there are no more than 135 or 140 of these. The evidence shows that not more than 100 voted, and it also appears that these Gentiles supported the ticket upon which Mr. Sparks was a candidate; that the line of distinction between Mormon and Gentile is in all these counties very strongly marked, so much so that no one living there could make a mistake as to the standing of the various citizens, and that in political contests, or socially, or in business there is no affiliation whatever between Mormon and Gentile.

In Oneida County it also appears this distinction is equally marked and that several to wit, about 36 of those who were known to be Mormons voted in that county. That the bishops and chiefs of the church actively and earnestly supported the ticket on which Mr. Lameroux was a candidate, and that Gentiles with equal unanimity supported the ticket on which Mr. Sparks was a candidate. From all these facts we conclude leaving the other counties out of the question. That there was not to exceed 200 legal votes in Bear Lake County, and if they had all been cast for Mr. Lameroux, still he must have received over 300 illegal votes in that county. There has been no evidence tending to show that Mr. Sparks received any illegal votes, but if it be admitted that all the legal votes in the county were cast for Mr. Lameroux, still this does not change the result, as in our judgment it appears from the foregoing facts that Mr. Sparks received a large majority of the legal votes in the district, and is entitled to the seat now held in this council by Mr. Lameroux.

In view of this we recommend that said seat be awarded to Mr. Sparks, and we herewith submit a preamble and resolution to carry this report into effect.

S. F. TAYLOR,
Chairman.

Whereas, J. W. Lameroux has received a certificate of election as a member of this council from the district composed of the counties of Cassia, Oneida, and Bear Lake, and

Whereas his majority as certified is 31 votes, while he received at said election practically no legal votes, but did receive about 600 illegal votes; and

Whereas Thomas Sparks did receive an almost unanimous vote from all the legal voters in said district: Therefore, be it

Resolved, That J. W. Lameroux is not entitled to a seat in this council; and be it further

Resolved, That Thomas Sparks is entitled to a seat in this council as a member from the counties of Cassia, Oneida, and Bear Lake, and that upon taking the oath he be at once admitted as such member.

Report received and resolution adopted by the following vote in the affirmative: Messrs. Brigham, Campbell, Ireland, Jewell, McPherson, Nelson, Perkins, Taylor, and Mr. President.

In the negative—None.

During the reading of the above report, the following colloquy occurred:

Mr. TAULBEE. Pardon me for a moment. I was not in at the beginning of your remarks, but from the reading of the report are we to understand if a man is a member of the Mormon Church that he is not allowed to vote?

Mr. DUBOIS. That is exactly the way it is in my Territory.

Mr. TAULBEE. Whether he believes in or practices polygamy or not?

Mr. DUBOIS. If they do not believe in it, they can vote; but they can not take the oath that they do not believe in it.

Mr. TAULBEE. When he is a member of that church, but does not believe in that practice or doctrine, is he allowed to vote?

Mr. DUBOIS. You are making an impossible proposition. He can not be a member of the church in good standing and not believe in polygamy.

Mr. HAYES. In your Territory do you debar a man from voting if he does not practice polygamy and violates no law, for simply what he may believe in his own mind? Does that oath make him swear—

Mr. DUBOIS. It makes him swear that he does not belong to an organization which teaches bigamy or polygamy.

Mr. TAULBEE. That he, in other words, does not belong to the Mormon Church?

Mr. DUBOIS. Or any other church that teaches those things or any other crime.

Mr. TAULBEE. If he does belong to the Mormon Church, he is disfranchised; that is practically the effect?

Mr. DUBOIS. Yes, sir; if he can not take that oath in good faith, he can not vote.

Mr. TAULBEE. So that law is intended to disfranchise every member of the Mormon Church?

Mr. DUBOIS. That is the object of the law. The plain object of the law.

Mr. BAKER. To disfranchise the Mormons.

Mr. DUBOIS. All who contribute to the support of an institution whose avowed purpose is to disobey the laws. We say they are not good citizens. We say a man who belongs to an organization that disobeys the laws is not a fit subject to be a voter, or to make laws.

Mr. TAULBEE. In what sense do the members of the Mormon Church contribute to the institution; by money?

Mr. DUBOIS. By their moral support, by their support of candidates, by their tithes for divers and sundry objects, by their ready obedience to their leaders instead of the laws.

Mr. TAULBEE. If they voted for a candidate, is that sufficient evidence they support the church?

Mr. DUBOIS. That is not all that goes to make up a good Mormon. There are other things, such as obedience to the orders of their spiritual leaders in everything.

Mr. BARNES. Will you give us the oath they have to take?

Mr. DUBOIS. Yes, sir; I have it here, and I will read it again.

The CHAIRMAN. Mr. Dubois read it a few moments ago.

Mr. DUBOIS. After prescribing the usual qualifications in regard to age and citizenship, it makes this provision:

I do further swear that I am not a bigamist or polygamist; that I am not a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other person, to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising from membership of such order, organization, or association, or which practices bigamy or polygamy or plural or celestial marriage as an eternal right of such organization; that I do not, and will not, publicly or privately, or in any manner whatever, teach, advise, counsel, or encourage any person or persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a religious duty or otherwise.

Mr. WARNER. Let me ask this question right here. A citizen goes up and takes this oath—

Mr. DUBOIS. All have to take it.

Mr. WARNER. Let us take the case of an individual voter. Is his

vote then accepted and taken as an understanding of his desire to vote?

Mr. DUBOIS. No; we have sent two or three to the penitentiary for taking that oath.

Mr. WARNER. That is not the question——

Mr. DUBOIS. I say no, if we are satisfied he belongs to the organization and is perjuring himself——

Mr. WARNER. Although the man takes this oath, and it should be known at the same time that he was a member of the Mormon Church, he would then not be allowed to vote and is disfranchised because you would take that as an evidence that he belonged to a religious organization that encouraged the ordinance of polygamy.

Mr. DUBOIS. Yes, sir; but I say they will not take this oath.

Mr. WARNER. But take the question that if he should take the oath.

Mr. DUBOIS. If they did take the oath; oh, I did not understand you.

Mr. WARNER. Say he is a member of the Mormon Church.

Mr. DUBOIS. Yes.

Mr. WARNER. And he goes up and offers his ballot.

Mr. DUBOIS. Yes.

Mr. WARNER. If he takes this oath, is his ballot accepted?

Mr. DUBOIS. Certainly his ballot is accepted, but, as I explained, in order that they may vote, they "cut them off" from the church for a few days before election, but we go ahead after that and prosecute them for perjury, because in fact they were members of the church all the time.

The CHAIRMAN. Have the judges a right to reject the vote after the oath is taken?

Mr. DUBOIS. No; the judges have a right to ask them questions in order to find out whether they can take this oath. We hold that the judges of election have the right to question, but they have no right to refuse their vote if they answer the necessary questions.

The CHAIRMAN. If, after having taken this oath, they refuse to answer any further questions, do you know any instances where judges have rejected their votes, notwithstanding they took the oath?

Mr. DUBOIS. Yes; the district attorneys in some counties hold that the judges have the right to ask certain questions, in order to show the fact that these men were entitled to vote.

Mr. HAYES. Did they have judicial discretion as to whether to receive the vote or not?

Mr. DUBOIS. If they did not answer the questions in such way as to convince the judges of the legality of their votes they were rejected.

Mr. BAKER. If in answer to cross-examination it appears that they have testified falsely in taking this oath, then they are rejected?

Mr. DUBOIS. Yes, sir.

The CHAIRMAN. Then, I understand you to say, notwithstanding the voter may take this oath, yet the judges may institute a system of cross-examinations and put such questions to the voter as the judges may think proper, and his answers then may be judicial discretion as to whether they should then receive his vote?

Mr. DUBOIS. It is just the same as with any other judge of election anywhere. If I go to vote the judge has a right to question me in regard to my citizenship, age, etc.

The CHAIRMAN. I am speaking with reference to polygamy.

Mr. DUBOIS. They question them in regard to this in order to find out whether they can take that oath or not.

Mr. TAULBEE. Is it customary in your Territory, where judges of elections are Gentiles, and members of the Mormon Church take this

oath, and they by further cross-examination ascertain the fact that they are members of the Mormon Church in good standing, for the judges of election to refuse the votes?

Mr. DUBOIS. They accept the votes.

Mr. TAULBEE. Then that report you were just reading—probably I interpreted it incorrectly—was based on these facts; Bear Lake and Oneida Counties were rejected because of the fact there were not enough Gentiles to amount to the number of votes claimed by the Mormons.

Mr. DUBOIS. I tried to show that they had complete control of the county, and did not pay any attention to that oath at all.

Mr. TAULBEE. Is that followed generally in the report?

Mr. DUBOIS. Yes, sir; but they did not take this oath, as this Bear Lake County was controlled by the Mormons.

Mr. TAULBEE. Let me ask you a question here. Was the contest here, in this case in which the report was made to your legislature, the only Mormon senator?

Mr. DUBOIS. He was not a Mormon; he was what we call a "jack Mormon."

Mr. TAULBEE. Was he the only jack Mormon senator?

Mr. DUBOIS. He was the only jack Mormon senator.

Mr. TAULBEE. He did not vote?

Mr. DUBOIS. No; he would probably have voted for himself if he had.

Mr. BAKER. What are the principal qualifications of a jack Mormon?

Mr. DUBOIS. He is a man who has not the courage to stand up and become a full-fledged Mormon, but expects to be rewarded, politically or otherwise, for the defense of all their practices.

Mr. TAULBEE. Is he a preacher?

Mr. DUBOIS. He has not the courage to be a preacher of polygamy.

Mr. TAULBEE. Then, may I understand you, the Mormon Church, if I got your statement before you began to read this report, that it was the invariable practice of the church to nominate and cause to be elected where they had a majority, by unanimous vote of that church, the members of the church?

Mr. DUBOIS. Yes, sir.

Mr. TAULBEE. Do they give such directions in regard to a jack Mormon?

Mr. DUBOIS. They do when the Mormons are in a slight minority; then they support a jack Mormon, and when they are in the majority they do not give a jack Mormon anything at all.

Mr. WILSON. How do the Gentiles treat a jack Mormon?

Mr. DUBOIS. They treat them in politics exactly the same way as they do a Mormon.

Mr. TAULBEE. Do they fuse with them?

Mr. DUBOIS. They do not.

Mr. WILSON. It is a little unhealthy to be a jack Mormon in that country?

Mr. DUBOIS. It is extremely disagreeable. You stand much better as a horse thief than a jack Mormon, so far as the respect of the people is concerned. I do not mean to say that everybody who defends a Mormon is of that class, but I am speaking of those who live among them and understand them thoroughly and defend them; that class of men.

Mr. TAULBEE. In your opinion, which requires the most courage, to be a Mormon or a jack Mormon? In what position would a man incur the most odium?

Mr. DUBOIS. The jack Mormon would, because a Mormon proceeds

from a religious conviction which we all respect, even while we deem they are wrong, and we can not help but have some respect for their convictions, but the jack Mormon has not these convictions.

Mr. TAULBEE. If I understand your statement a while ago, you said that a jack Mormon was a man who had not the courage to be a Mormon.

Mr. DUBOIS. Yes, sir, he has not any convictions, and therefore he has not the courage of his convictions.

Mr. TAULBEE. Then how can I reconcile that statement with the one that requires more courage to be a jack Mormon than to be a Mormon?

Mr. DUBOIS. You mean in a moral sense?

Mr. TAULBEE. Well, in the sense in which you use it.

Mr. DUBOIS. More odium is attached to a jack Mormon than a Mormon; that is what I undertook to say, and therefore if a man is an honest, rational man, I think he would prefer to be a Mormon than to be a jack Mormon.

Mr. WILSON. That odium is, in the main, Gentile.

Mr. DUBOIS. Entirely.

Mr. WARNER. That is, a jack Mormon has the odium of the Gentiles and he does not have the respect of the Mormons. The Mormons can have the odium of the Gentiles and the respect of the Mormons, and therefore the jack Mormon is in a very bad fix?

Mr. DUBOIS. Yes, sir.

The CHAIRMAN. Mr. Dubois, you will please proceed, as we are wasting a good deal of time over this jack Mormon question.

Mr. DUBOIS. My Territory is very much concerned in the fate of Utah. Statehood for Utah would mean polygamy firmly intrenched. It would mean such intolerance toward the Gentiles there that they could not remain. It would mean the establishment of a government in the Rocky Mountains whose allegiance was to a church hostile to our laws and whose sympathies were not in accord with the nation. Fortified and strengthened by statehood, they would spread their practices and church politics into adjacent States and Territories and cause strife and contention and danger for years to come.

The greatest mercy to the Mormons themselves, the younger generations, is for the Government to keep its firm hand on them. They will crumble when the fact fully dawns on them that there is a power stronger than their priesthood; when they abandon church rule in temporal affairs and polygamy, the fight which has been upon them with their neighbors in Missouri and Illinois, and which has followed them across the sage-brush plains, will cease.

I hope for the good name of Arizona that the gentleman from Arizona represents no one but himself in his remarks, and will close by reading a memorial from the Idaho legislature, now in session.

This memorial was unanimously adopted in both branches of the legislature:

The speaker gave notice that he had signed the memorial to Congress against the admission of Utah as State. Following is the full text of the memorial:

HOUSE JOINT MEMORIAL NO. 1.

[By Wheeler.]

Against the admission of Utah, and praying for the appointment of a legislative commission to the honorable the Senate and House of Representatives of the United States:

Your memorialists, the council and house of representatives of the legislative assembly of the Territory of Utah, most respectfully represent:

That the proposed admission of the Territory of Utah as a State would be a calamity, not only to every loyal Gentile citizen of the Territory, but to the general public, and especially to those States and Territories adjacent to Utah.

That the admission of Utah would place the government of the State directly in the hands of the leaders of the "Church of Jesus Christ of Latter-Day Saints," commonly known as the Mormon Church—an organization treasonable in its teachings and practices to the United States Government.

That many of said leaders are now, and have been for months past, fugitives from justice and under indictment for crimes against the laws of the United States, and others are serving terms in the penitentiary for similar crimes.

That the members of this treasonable organization, known as the Mormon Church, largely outnumber the loyal Gentile citizens in said Territory, and consequently will, and for many years to come, have absolute control of all elections therein.

That all pretenses of abandonment of bigamy, polygamy, and other crimes against the laws of the United States are pretenses only, made for the purpose of deceiving persons unacquainted with the abhorrent practices of the Mormon Church, and thus create a feeling favorable to the proposed admission of said Territory of Utah.

That the turning over of a State government to said Mormon Church, or the leaders thereof, would be unsafe and impolitic, because said church is composed by a large majority of the lowest and most densely ignorant classes of the Old World peasantry, who are in no way Americanized, and who have nothing in common with our aims or our republican institutions. They are serfs, and serfs only—slaves to the most tyrannical and despotic organization in existence. They are absolutely under the control of their leaders, and the use of the ballot in their hands would be entirely under the direction of said leaders, and a travesty of the elective franchise.

That there is no severance of church and state in Utah, all reports to the contrary notwithstanding.

That the admission of Utah and the additional power thus given said Mormon Church would create a dangerous condition of affairs in Idaho, and would endanger the welfare of our social and moral institutions.

We, your memorialists, would therefore respectfully pray that the Territory of Utah be not admitted as a State, and we do further pray that a legislative commission be created for the government of said Territory.

And your memorialists will ever pray, etc.

The citizens in Idaho have as much toleration as any people on top of the earth, and yet they have come to this conclusion in regard to this people who are in such a minority in the Territory as to cause no apprehension of their gaining control of it.

Mr. BAKER. I move we adjourn until to-morrow at 10 o'clock.

Thereupon the committee adjourned until to-morrow, Friday morning, at 10 o'clock.

COMMITTEE ON TERRITORIES, *Friday, January 18, 1889.*

The committee met pursuant to adjournment.

ARGUMENT OF HON. CALEB W. WEST, GOVERNOR OF THE TERRITORY OF UTAH.

Governor West said:

Mr. Chairman and gentlemen of the committee: Of course it is not necessary for me to state it, because you all fully appreciate the gravity and importance of the matter which you are investigating here. It is the question of admitting into the Union of States a new sovereignty. In that, as it is presented to you now, is involved the civil rights of more than 200,000 people. In this matter I stand in the relation of governor at present to those people. I ought not to have any prejudice or bias against any of the people. Duty, honor, and manhood require that I should be perfectly fair and honest in all that I shall say upon this subject. I should treat these people, no matter of what party, with perfect fairness and candor. I should treat this committee so, and I now ask this committee in the presentation of this case to ask me any question that suggests itself, and if I know myself and have knowledge

of the matter, no matter whom it hurts or helps, I will give a fair, honest, and candid answer.

I was sent to these people as their governor. I was a stranger to them when I went there. I am a Democrat in politics by conviction. I believe in the free institutions that are established for the government of this land; and, above all, I believe in that constitutional provision which makes the creed of the religionists as sacred as the life of a citizen. I would not in any way interfere or trespass upon that constitutional provision.

I went to Utah last May two years ago; I have been there almost three years. When I went there I found a state of feeling existing that I was not prepared for. There was a division and a bitterness that was as intense as existed in the border States at the beginning and during the continuance of the war. I am glad to say that that state does not exist now, and that in the last two years, or last year and a half, the situation has been very much improved for the better.

Now, the gentlemen who have preceded me have spoken as to how things are in Utah, and if you would listen to the soft, low, sweet, dulcet notes of my friends Mr. Richards and Mr. Caine, as they come to you, you would think it was an earthly Eden; that there was a paradise such as never existed in the world before. When I went there with this state of feeling existing, or rather just a short time before I went to Utah, the officers of the law who were engaged in the enforcement of the laws there, the commissioners and district attorney's houses were attacked and besmirched with filth—human filth. After being there myself, I received obscene and threatening communications. I mention this not for the purpose of attacking the whole Mormon people, not that they are responsible for it all, but that you may understand that the people out there have weaknesses and frailties, and that there are among them some who are not as good as they ought to be, just as there are in any other community, and that it is not exceptional in regard to its weakness.

I found this to exist there then; I find to continue to exist there now a spirit of separation and intolerance such as exists nowhere in our land. The facts to support that statement are, that from the settlement of that Territory until the present time those who differ from those people are proscribed. No Federal officer that is sent there who has earnest convictions opposed to them but who incurs and receives their unfavorable criticism.

Mr. BARNES. Right there, you will recollect the other day an article was quoted here, I believe from the Salt Lake Tribune, which threatened either any member of this committee or any member of Congress who might advocate the statehood of Utah that he would be a marked man; that they would be regarded as unclean. How about that spirit?

Governor WEST. That spirit is one of intolerance and bitterness. I think I will show you as I go along how and why such a feeling pervades there on the part of non-Mormons, as well as Mormons, to a certain extent. I think I will answer your question as I proceed. Now, to show you in regard to this matter, I can say—this is mixing up my personality a little more in that direction than I would like, but simply because it is necessary for the purpose—I say this now, and I ask the gentlemen on the other side if it is untrue, or I am mistaken, to make the correction—I have not had a single adverse criticism as to my administration of affairs in Utah in the conduct of the office as governor and in connection with these people. I have uniformly been tolerant and fair in exercising, for instance, the power of pardon; upon

occasions I have been approached for pardons, and they begin to tell me he is a non-Mormon or Mormon. I have uniformly said it would make no difference with me what his religion or politics, that if he is entitled to a pardon he is entitled to it regardless of his religion and politics; if not, he could not have it. I do not believe it would have influenced me if I had known what he was; certainly, if I had no knowledge I could not be influenced. So I say I have not had an adverse criticism from a Mormon source of my administration of the affairs of government. But whenever, as a citizen and official, I have considered it my duty—and I have interested myself in matters just as I am here now, and as I have the right to be, and the propriety of which, I think, can not be questioned—if the governor of a Territory, when a question of such importance as statehood can not be heard, either in advocating it, or, if the conditions preclude, opposing it, then I am certainly not aware of the proprieties.

Mr. TAULBEE. Will you allow me to ask you a question?

Governor WEST. Yes, sir.

Mr. TAULBEE. I understand from what you said, as well as from general understanding, that you oppose the admission of Utah.

Governor WEST. I do, sir.

Mr. TAULBEE. Whom do you represent, and why do you represent them?

Governor WEST. I represent first myself, as a citizen of this country; and entertaining convictions as a citizen, I have a right to be heard. Next I represent, I may say, the universal sentiment of the non-Mormons of Utah, not an anti-Mormon ring, because when I get to that I will show you the anti-Mormon ring they talk about is composed of citizens who in character, in condition, ability, thrift, energy, enterprise, and wealth, are second to none in this whole land.

Mr. TAULBEE. My question led to this, whether or not you felt it incumbent on you, as governor of Utah, in that capacity, to represent the minority sentiment there, and whether or not that is in response to some organized expression of that sentiment.

Governor WEST. There has been an organized expression. I was invited by a committee of the leading gentlemen there to come here for this purpose. I can answer that in that way, but, as I say, I felt it incumbent on me, as governor of the Territory, so long as I shall remain there, to oppose any wrong movement that involves the interest of the whole people, and I have presented such matters in my reports as I conceived it my duty to do, annually, to the Secretary of the Interior, that Congress might know the status of affairs.

Mr. WARNER. How long have you been in Utah as governor?

Governor WEST. I have been there a little over two years.

Mr. WARNER. And during that time you have had occasion to ascertain the sentiments and opinions of the non-Mormon portion of the Territory?

Governor WEST. Yes, sir.

Mr. WARNER. I understand you to say you regard it as being universal, the opposition to statehood.

Governor WEST. In connection with that, I asked Mr. Caine the number of non-Mormons in favor of statehood, and he said he did not know of a non-Mormon in favor of statehood. Mr. Richards, when asked the question, said he knew, but he declined to name any one. Now, I can not see the propriety of that.

A MEMBER. If I remember right I think Mr. Richards said he did not want to subject them to criticism.

Mr. RICHARDS. To being called a jack-Mormon—you have heard what a jack-Mormon is?

Governor WEST. I would like for you to say now what number you know that are not Mormons. You have declined to name them; will you name the number that you are personally acquainted with in favor of the statehood movement?

Mr. RICHARDS. I have not counted them up.

Governor WEST. It would not take long to count them?

Mr. RICHARDS. It might; I think it would.

Governor WEST. That is one trouble. You will find in understanding this Utah question the secrecy that is observed in all movements. You will see these things are done under cover.

Mr. TAULBEE. I would like to ask a question now, with the permission of the governor.

Governor WEST. Yes, sir.

Mr. TAULBEE. If what is understood as a Gentile, a person who does not belong to the Mormon church in Utah, should participate in this movement for admission as a State, would not he, according to the standard erected there for Mormons and non-Mormons, become a jack-Mormon?

Governor WEST. They would so designate him.

Mr. TAULBEE. Then it would be impossible for a man who favors the admission of Utah to be a non-Mormon?

Governor WEST. No; he would be a non-Mormon, but he would be designated as a jack-Mormon. The term jack-Mormon means a man who is not a member of the Mormon church, but is in sympathy with and aids them in their purposes and designs; he sustains and supports them. Of course I do not mean to say that a man who would take a position in favor of statehood who is a non-Mormon, that he would thereby commend himself to the non-Mormon sentiment of the community; because as I have just announced that I believe that they are almost universally opposed to it, and opposed to it upon reasons and upon grounds that it is un-American in character and opposed to the institutions in this country. Well, now, holding these convictions, you can readily understand how, if you were sustaining and supporting this movement, that you would incur the disapproval of your associates and friends.

Mr. RICHARDS. That is the very reason why this very large element of non-Mormons have not asserted themselves on this question.

Governor WEST. That is your assertion; on the contrary, I assert the reason why they do not favor statehood is the one I suggest. There are none of them but can give a reason for the faith that is in them, just as I do myself.

Mr. WARNER. You heard the arguments in common with the rest of us?

Governor WEST. Yes, sir.

Mr. WARNER. I find the gentlemen in arguing this question refer to the Gentile who sides with the Mormons as a "jack-Mormon."

Governor WEST. Yes, sir.

Mr. WARNER. And the other side in arguing the question refer to the Gentiles who are opposed to admission as being bigots and being in a ring.

Governor WEST. Yes, sir.

Mr. WARNER. Is this a fair representation of the feeling that exists in Utah between friends?

Governor WEST. I do not know that I catch your meaning, general, exactly; you mean our conduct towards each other?

Mr. WARNER. Not the conduct, but the argument; the Gentiles refer to any Gentile who may be in favor of admission as a jack-Mormon, and they say he is more contemptible than a Mormon. That is the argument here. Now, a gentleman in favor of admission who belongs to the Mormon Church refers to you gentlemen who are opposed to the admission of Utah as a State as being a clique, ring, and bigots. Does that represent the state of feeling between friends in Utah?

Governor WEST. Yes; except it is scarcely stated as strong as it does exist there. If you get a little stronger language you would come nearer to the true thing.

Mr. CAINE. Will you permit me a question?

Governor WEST. Certainly, Mr. Caine.

Mr. CAINE. The question is this, if the gentleman from Kentucky [Mr. Taulbee] will excuse me, I desire the governor to state to the committee whether he obtained his leave of absence from the Territory for the purpose of appearing before this committee?

Governor WEST. No, sir; I will answer that I do not usually give reasons to the Department, nor are they required. I apply for leave without stating my reasons. I had occasion to come East on other matters, but came earlier to be present at this hearing.

The CHAIRMAN. I think, gentlemen, that is a matter we do not care anything about; we are not investigating that.

Governor WEST. Right in that connection I will give you some statements made in a paper to show you how intolerant they are, and how a gentleman is treated that differs with them. I will give —

Mr. BARNES. The unclean fellow the Salt Lake Tribune speaks of would be called a jack-Mormon.

Governor WEST. Very likely.

Mr. BARNES. So we understand; if we take a certain stand here, we become jack-Mormons?

Governor WEST. Before I get through I think you will see that you can not entertain opinions without being condemned. The newspaper utterances that I am going to read I will not charge upon the Mormon Church. It has enough to answer for without bearing the weight of the unenviable personality and character of all those who serve them. I read the Salt Lake Herald —

Mr. RICHARDS. In order that the committee may understand the situation in Utah, permit me to say that there are two classes of what are called Gentiles there. One class comprises the conservative non-Mormons or Gentiles, the other class the anti-Mormons; and it is the anti-Mormons that we refer to in our criticisms.

Governor WEST. You have explained that in your argument. I say now to Mr. Richards that he can not count half a dozen non-Mormons who favor this statehood movement in Utah. If the gentleman wants them and the committee wants them, I will give the names of prominent Gentiles there—bankers, merchants, etc. Not only that, but there will be presented to Congress a petition, signed by 13,000 or 14,000 of the non-Mormon citizens all over the Territory, protesting against admission to statehood; and if that protest was here now, and I think it ought to be—have you heard of it? [Speaking to Judge Baskin.]

Judge BASKIN. I think it is on the way here.

Governor WEST. I would then ask the gentleman to point out the anti-rising Mormons. You get the names and inquire who they are and you will find they are bankers, merchants, traders, lawyers, doctors, and members

of all the professions, and that they stand united in opposition to this movement.

Mr. WARNER. Instead of anti-ring Mormons, you mean anti-ring Gentiles.

Governor WEST. I mean the non-Mormons. I do not like the term Gentiles very well, because it savors of religion. I mean non-Mormons.

Mr. RICHARDS. We prefer the term non-Mormon to that of Gentile. But I desire to ask a question. Is not the protest you speak of signed by men, women, and children?

Governor WEST. I am not aware of it. I have never seen the protest and I know of it only through the papers.

Mr. RICHARDS. I understand that it is signed by women and children, as well as men.

Governor WEST. I do not understand that. I simply saw the statement that there were 13,000 or 14,000 names.

Mr. TAULBEE. Are these bankers, doctors, and men of other professions patronized by the Mormons in business?

Governor WEST. I believe, to a limited extent, they are. We will come to them later, in order that you shall see their methods; in order to answer the charge Mr. Richards made in regard to it. When I get to that, you will see the basis upon which the business is organized. I will proceed to read this extract. I was talking about the intolerance which this people have for those who differ with them. Now, gentlemen, in the late war, I would have you to understand that I happened to be on the losing side of the question, and happened to be for a while with General Morgan's command the latter part of the war. The first part of the war I served in Virginia, and then I joined Morgan's. The Salt Lake Herald asserts that once a guerrilla always a guerrilla, and states as follows:

AT IT AGAIN.

The Herald has on more than one occasion asserted that once a guerrilla always a guerrilla. We can always count on Gov. Caleb W. West to stand by us in this proposition. He will verify it on all occasions. We ask our readers to peruse a Washington telegram which appears elsewhere in this issue, and learn how completely his excellency fortifies our position.

Governor West came here as the chief executive for this Territory; he came as a Democrat in politics and as the appointee of a Democratic President; he came from a State where it is personally dangerous to profess any other political faith than the Democratic; he came with professions of respect and love for the laws on his lips and with announced friendship for the people. But he hadn't been here a month before he displayed his guerrilla instinct and training, and from that day to this he has shown what effect it has on a man's nature to start in life as a bushwhacker.

Now, gentlemen, I want you to understand this is in face of the fact that there has not been a single adverse criticism upon my administration of the governor's office.

Mr. TAULBEE. Do you indorse what that paper says?

Governor WEST. Modesty forbids an answer to that.

Mr. RICHARDS. When you say there has never been an adverse criticism, do you include your action on bills passed by the legislature, etc.?

Governor WEST. I mean on my action as governor.

Mr. RICHARDS. You say there has never been an adverse criticism. I do not so understand the fact, but as it is wholly immaterial to the present issue, we will not stop to discuss the matter now.

Governor WEST. I never heard of any. If you can tell me of it, I would like to know.

Mr. BAKER. Go on, governor, as this is of some importance.

Whenever he has been able to induce the enemies to Utah to pay his expenses he has skulked off to Washington to make war upon the community which was sorely enough afflicted, in all conscience, in having him for governor. Once ortwice a year, at the expense of the men who hate Utah most, he has gone to the capital in the interest of mischief, employing his tongue and influence to bring more disaster upon an already oppressed and distressed people. That the people of Utah have any rights left, that they are not slaves to an autocrat named West, are due to the governor's lack of influence with Congressmen, for he has tried with all his ability to reduce the community to a condition of servitude with himself as master. At one time he proved how much regard he had for the principles of Democracy, by asking Congress to confer on him the right to appoint all the county and precinct officers in the Territory. At another time, as the paid lobbyist of the infamous loyal league, he became so offensive at the capital that it was said that his superiors ordered him to return to the Territory. Now he turns up in Washington—having sneaked away under the pretense of placing his boy in school—as the representative of the little clique that boasts of its hatred of Utah, and in the interest of that gang he viciously and maliciously assaults the Territory.

A lot of attacks just like those occurred before when I was here seeking legislation for the Territory, and this was one of them, that my superiors ordered me to return to the Territory—by the way, I do not know whence the paper got this information—it kept calling upon me to answer it without any notice from me. Now I will answer, there is not a solitary word of truth in that statement. I do not know how they got that information from Washington, but I was never ordered to return. There is about as much truth in that as a good many other things we have heard.

Mr. TAULBEE. How many times have you been here since your appointment as governor?

Governor WEST. I came here during the pendency of the Tucker-Edmunds bill. I was here last winter but it was on other matters entirely. I am here this time in connection with those and this matter. This is the second time I have been here in the interest of any legislation for Utah of this nature. The legislation here last winter was in the interest of getting a public building.

Mr. TAULBEE. There was no opposition to that.

Governor WEST. No, sir; Mr. Caine and myself were working together. Also I did not want some Indians there who we thought they were going to put upon us, and we went before the committee to prevent it. I was opposed to the Indians being taken from Colorado and taken to our Territory. We were in accord there. This article further says:

Fortunately he can do nothing but talk to no purpose. He can not injure the Territory, and if he has been paid money for his services on the occasion, the investment was a foolish one. Utah is in a happier condition than she has been in for many years. The Territory expects nothing from Congress, and is asking for nothing, and as for adverse legislation, there is as much likelihood of the moon's performance with the sun on New Year's Day being repeated to-morrow.

I ask these gentlemen—Mr. Caine and Mr. Richards, who are here—to say whether or not, in all movements that would lead to the advancement of Salt Lake City and the Territory, I have been an earnest, active, and zealous worker? I ask them if, in the organization of the chamber of commerce of Salt Lake City, which brought the two elements together for the purpose of developing the material interests of the Territory, I did not personally, myself, wait upon and interview men of both parties—Mormons and Gentiles—to get that organization up; if I did not myself write the agreement which was signed calling on men to unite, regardless of religion or politics, for the organization of the business element of the community for its development, and if such organization

was not perfected? I will ask these gentlemen further if, in the interest of an appropriation for reform schools and a public building, Deseret University, and matters of that kind, the last legislative day was not continued for three days beyond the limit of the session and a compromise effected and the bills passed?

Mr. RICHARDS. I do not know exactly what part you took in organizing the chamber of commerce, but you certainly did take an active part. As to continuing the session of the legislature, I was not advised of its duration, as I was not there at the time.

Governor WEST. There are quite a number of little squibs taking up about another column, but I will not trouble you gentlemen by reading them.

Mr. RICHARDS. You do not claim that we are responsible for that article?

Governor WEST. I have just said that you were not. I just wanted to explain to these gentlemen the fact that the intolerance is not one-sided, as Mr. Caine read to these gentlemen from the Salt Lake Tribune.

Mr. BASKIN. Is not Mr. Caine connected with that paper, the Salt Lake Herald?

Mr. CAINE. Gentlemen, I am a stockholder in that paper; president of the company that publishes it, and I do not go back on it.

Governor WEST. Now the church organ, the Deseret News, goes on in the same strain; I referred to these articles; and I want to tell another thing to these gentlemen. They talk about the bulldozing of the Salt Lake Tribune. I would like to have them state if it is not a fact that, so far as I am concerned in the matter, there has not been a single movement made by the Mormon people in the way of advancement that I have not been with them and supported them, regardless of public sentiment or expression of it? Now it is an unusual thing in our Territory to have a united celebration of the national anniversary, the Fourth of July. There is one set of people one way and another another. They do not even mix to celebrate the national anniversary of the Fourth of July. If these gentlemen speak truthfully, they will tell you that there have been now but two celebrations in which the two parties united, and that has been since I have been there.

If they tell you truthfully, they will tell you that a united celebration was had a year ago last Fourth of July, with the Salt Lake Tribune backing the opposition for a united celebration. They will tell you that paper objected to it on the ground that the Mormons had been notified to take part in this celebration and declined to do it, and subsequently they had inaugurated the call for a constitutional convention, and therefore, for the purpose of aiding their movement for statehood, they came in and asked for a united celebration. The argument which I made to the position, and in which I antagonized the non-Mormons—a great many of them—was that I did not care what the motives prompting. The proposed action was right, and I would sustain every right action and take care of the motives afterwards. Then, if they will tell you truthfully, they will tell you that on the last Fourth of July we did not have any question of that kind. They will tell you, without question, that of the committee we appointed, one of the number consisted of General Connor—who was the first man who began really this fighting against the establishment of the Mormon institutions, and a Mormon bishop, to wait upon and invite Colonel Blount, at Fort Douglas, to participate, with his troops, in that celebration. I relate these circumstances, first, to show that the national anniversary was not celebrated there, and, if so, you had two distinct and separate classes of people—not like two

States, but like two different countries. Now there must be some reason for that, because it exists nowhere else.

Mr. STRUBLE. Have they been in the habit prior to the two years of celebrating the Fourth of July in the Territory?

Governor WEST. I could not answer that. I know there have been attempts made to unite in celebrating, without success.

Mr. CAINE. Permit me a question: Do you not know it to be a fact that there have frequently been union celebrations there before this one you speak of?

Governor WEST. No, sir; I never knew of it; on the contrary, my own idea was from representations made to me that there had been several attempts made but they had failed.

Mr. CAINE. I will say to the committee that there had been; but for a few years before Governor West went there there had not been any. It was, however, a frequent occurrence in times past that all parties united in celebrating the Fourth of July, dropping their political animosities and celebrating together. Orators from all parties have spoken from the same platform.

Governor WEST. I referred to this for the purpose of keeping before you my attitude in regard to these people. Furthermore, I will tell you I did not come here for the purpose of attacking these people or making war upon them. I have got no indictment against these people. The reason why I came here is simply to fight a system. It is to denounce what I believe to be an evil that in this nineteenth century you gentlemen who have been educated in this country and love free institutions have no idea of; you can not have it presented before you even in argument so as to comprehend it. I do not care how clear a man may be in his statement or how eloquent he may be in enforcing it. There is about this system that which you can not bring to the mind of a man who is educated here in the East and has not come into contact with the system, and it is that evil which brings about this intolerance, this separation of the people. Now, to show just exactly the condition of affairs as I have seen them, I will just read from my report here, which gives the situation as I understand it, as it presented itself to me when I first went there. It is epitomized and probably gives it more succinctly than if I stated it. This is my annual report and sets forth the question. This is the report of 1886. I state:

The all-absorbing question in this Territory, dominating all others, hurtfully affecting its prosperity, impeding its advancement, and disturbing the quiet and happiness of its people, and the one question of the utmost concern and solicitude to the whole country, is the attitude of defiance assumed and maintained by the Mormon people, who probably are five-sixths of the whole population, to the law of Congress for the suppression of polygamy, known as the "Edmunds law." In all questions affecting the Mormon Church and people the polygamous and monogamous Mormons make common cause, stand together, and are united. They maintain publicly, through their leaders and teachers, in their houses of worship, through their press, and privately in social and business circles that the law is infamous, an interference with and a denial to them of that religious freedom guaranteed to all by the Constitution;

These gentlemen claim that the Constitution of the United States was given by divine inspiration. Now you will catch the idea right there where they get all their power. They claim it comes through God, it is through inspiration, and therefore the Constitution, as they claim, is an inspired instrument from God; and what more do they claim? While claiming that, when the constituted authorities of the United States decide that the Constitution permitted a law to be made which made polygamy a crime, then of course they said the Constitution was all right, but the law makers were all wrong.

Mr. RICHARDS. When you say "they" who do you mean?

Governor WEST. I mean just as is stated here. Did not your members publicly, in the church, upon the street, and everywhere proclaim it; and not only that, I can say further that you yourself and Mr. Caine maintained the same when we discussed this very question, before I went to Utah, in the Riggs House; not only yourselves but Mr. Joseph A. West.

Mr. RICHARDS. What did I say?

Governor WEST. You claimed that you had a religious right, as I have stated heretofore, and that Congress had no right to interfere with a religious belief or legislate against it; that it was guaranteed to you by the Constitution.

Mr. RICHARDS. Do you say that in the Riggs House I claimed that because of my religious belief I had a right to violate the law?

Governor WEST. Yes, sir; I do.

Mr. RICHARDS. Then I most emphatically deny it.

Governor WEST. That is a question of veracity. I do not want any personalities. Not only that, which Mr. Richards stated to me privately, but I will venture the statement you may take his public utterances and you can find it. I think both he and Mr. Caine are on the record. The record was read here of Mr. Caine on this very point, showing his position.

Mr. RICHARDS. I challenge you to produce proof of any public or private utterance of mine to that effect. You can not do it.

Mr. CAINE. I also deny that I ever advanced, either publicly or privately, the opinion that any man had a right to violate the law.

Governor WEST. I am not surprised at these denials now, because so many others that have just as much truth in them as this, have been made, and I am not surprised at it.

Mr. STRUBLE. Going back to the proposition, you now give the committee to understand, and I understand, that the leaders in the Mormon church are in the direction you have indicated in their action and teachings.

Governor WEST. Yes, sir; these gentlemen contend not only themselves but through their chiefs and by their writings. I will also show how they make denials sometimes and how they make statements, and while keeping the promise to the ear break it to the hope. I am not going to be uncandid or unfair. I will be perfectly candid, and it can not be truthfully disputed that the statements in this report are exactly correct and represent the sentiment there at that time. In their efforts before to resist legislation upon this subject their representatives and attorneys have held and maintained exactly the position the gentlemen now repudiate and disavow, of their right and religious duty to continue in violation of the law their polygamous relations, and they deny the authority of Congress to regulate and interpose any restrictions as to the marital relation.

From the time of my appointment there I did not cease from meeting these leaders and pleading with them upon the subject of giving up polygamy. I told them, "You are men of sense; you are men of affairs, and have traveled; you are men of education, and you can see and must see that the giving of this institution up is inevitable." Not only that, but seven days after I went to the Territory—and that is in my report, and I will state it here—after the decision of the Supreme Court in the Lorenzo Snow case, which left the judgment of the supreme court of the Territory final as to that matter, when that decision was rendered the idea occurred to me—I take no pleasure in seeing these people suffer;

on the contrary, I have labored to keep them from suffering since I have been there, and to get them into a position where they would not be subjected to it—I say again, seven days after that I saw Chief Justice Zane and District Attorney Dickson; they assented to my proposition. My proposition was to go to the penitentiary, where fifty men were suffering punishment for cohabitation, after the final decision of the Supreme Court in the matter. I went there and had a conversation with Lorenzo Snow, one of the twelve apostles, and then with the whole number, and I made the proposition to them that the judges and the district attorney and myself would all unite in a petition to President Cleveland to pardon the whole bunch of them, or any who would accept it, if they would simply agree in the future to obey the law.

Mr. RICHARDS. As construed by the court.

Governor WEST. The law is what the court construes it. That is the law. Of course I know that is not your idea of law. The Mormon understanding of law is that which is in harmony with divine inspiration.

Mr. BAKER. Suppose the court does not pass upon a law; is it not a law?

Governor WEST. Yes, sir; but when you get a construction of it by the courts, that construction is binding; if you take the law in the court, and the court says the law is this, that is the law, not what you say.

Mr. BAKER. The law is not dependent upon a judicial question at all until raised.

Governor WEST. No, sir; of course not. I do not contend for it. Of course I may have an opinion of my own about a law, and hold an opinion that the law is so and so. Suppose I take it into court and the court decides upon it. My opinion may be adverse to the court's opinion, but the court's opinion is the law. What the court believes; not what I believe.

Now, gentlemen, I went and plead with those men to accept amnesty. But they refused it. This was their position at that time.

Mr. BAKER. Was any suggestion made in your discussion in regard to the law as construed by the courts as suggested by Mr. Richards.

Governor WEST. The argument that was used at that time was that they contended that it was their religious belief, and that it was a law that was unconstitutional, just as I have here related. The argument that was used was reported at the time by the court reporter; but I have not a copy of it.

Mr. BASKIN. I have a copy of it if you desire to make an exhibit in your remarks.

Governor WEST. I do not know that it is necessary on this question.

Mr. RICHARDS. Did not Mr. Snow and those with him in the penitentiary contend that the law against unlawful cohabitation as it had been construed by the courts would not only prevent them from living with their wives but also exclude them from performing the ordinary acts of humanity and the moral obligations that devolved upon them because of the relation which existed between them and their wives?

Governor WEST. I know those things were represented and claimed.

Mr. RICHARDS. Was not this the reason they gave for not wanting to make the promise you sought to obtain?

Governor WEST. I say you gave those reasons——

Mr. RICHARDS. Did they not give this reason themselves?

Governor WEST. I say, if you will allow me to answer what I was going to answer, on the contrary, in point of fact, so far as my knowl-

edge is concerned, it is a false position. I will state that I know the argument was that while the people remained as they were, in defiance of the law, every officer who was charged with the execution of the law was in duty bound to direct his mind and energies to the enforcement of the law. I said, on the contrary, if you accept this law, if you cease to deny this authority, the officers' attention will be directed to how the law can be enforced with as little hardship and suffering as possible. Now, I know that the enforcement of this law necessarily brings hardship and suffering upon these people.

Mr. RICHARDS. Is it not a fact, governor, that at the time mentioned, under the construction of the courts, it had been held that——

Governor WEST. Will you please excuse me from answering what the records of the court show? Any fact as to what the court record shows you have an opportunity to explain. The point I make——

Mr. RICHARDS. I would like to have this question answered, unless you object to being interrupted.

Governor WEST. I say upon this subject——

Mr. RICHARDS. My question is this: Had it not been held by the courts, and was it not a matter of public notoriety in Utah at that time, that a man was guilty of unlawful cohabitation if he lived in the same house with the woman he claimed as his plural wife, although there was no sexual intercourse between them, and that any association between a man and his plural wife might constitute unlawful cohabitation?

Governor WEST. I cannot tell you with regard to the courts, for really I am not so familiar that I can answer. I can only say this: I know representations have been made as to what the courts held, and I have heard it disputed and denied that they have so held. Of course, I have not been in this court business and have not attended the courts, and do not know what they have held.

Mr. BASKIN. Allow me to answer the question. That has been the ruling by the Supreme Court of the United States.

The CHAIRMAN. Gentlemen, I think you had better let the governor proceed with his argument.

Governor WEST. As far as I am concerned, I want to answer anything I can and give any information to the committee I can.

Mr. STREUBLE. In relation to the construction of the courts in regard to evidence against a man for providing for the temporal support of what he calls his plural wife: Has there been anything held by the courts that that was prima facie evidence in the case?

Governor WEST. I have no idea about it and, as I told you, I do not answer because I am not familiar with it.

Mr. RICHARDS. It has been adduced as evidence tending to show unlawful cohabitation.

Governor WEST. I read in an argument made in the Senate, and I think Judge Baskin answered the question by stating that he was in court when a man was asked by Judge Zane if he would obey the law in the future, and he wanted to know whether that would prevent him supporting and providing for his plural wife; and the judge answered that it would not and that it was his duty to do so.

Mr. BASKIN. But he must not take advantage of that to keep up his old relations.

Mr. RICHARDS. I know a case where the fact of a defendant having sent money in a letter to his plural wife was adduced as evidence to convict him.

Governor WEST. I tell you Judge Zane came from the State of Illinois, Judge Henderson from the State of Michigan, Judge Boerman

from West Virginia, and Judge Powers from the State of Michigan. They certainly must have had some character in the States from whence they came; they certainly were not bigoted, intolerant, and destitute of judicial knowledge. They had formed characters in their communities; were recommended to and received appointment to their offices from the President of the United States. I do not mean to say that they do not make mistakes as judges. We are liable to make mistakes, except gentlemen on that side who are guided by inspiration and revelation and so probably they are free from mistakes, but we are not; and the judges may at times make mistakes.

Mr. WARNER. I suppose it would be admitted as competent evidence in regard to the man who sent money in a letter to his plural wife. I do not think it is necessary to apologize for the courts.

Mr. BASKIN. It may be a very important factor in connection with it.

Governor WEST. I only propose to answer such questions by stating the character of these men.

But to proceed with the statement of the position held by the Mormon people at the time referred to. I quote:

That the obedience which they owe and will cheerfully render to a power higher than any earthly power compels them to exercise their religious rights and privileges in the face of and in violation of the law; that they are prepared to, and will, if required of them, sacrifice their personal comfort, their property, suffer indefinite imprisonment, and surrender life itself rather than yield and promise obedience to the law and forego the privileges they claim. The Government can have and hold but one position towards this people, which is of easy statement: Its authority must be respected, its laws must be obeyed.

Now, mark you, in less than a year after such declarations were made and this position held, Congress interfered, and by its legislation left to this people the choice of the surrender of polygamy or the loss of political power. Now, this law was passed before I had become familiar with this people. I said that the people would not take the prescribed oath not to practice nor to aid, counsel, abet, or advise the practice of polygamy. I said their past history and recent professions preclude it. Gentlemen who had known them longer than I contended that rather than surrender political power they would take the oath. They said "You will see whether they will take it or not." They were right; I was wrong. I did not understand then. I could not see it then. I had occasion to say in my report at that time, as follows:

It is true, however, that a large majority of the people stoutly and stubbornly affirm, publicly and privately, that the enforcement of certain laws is destructive of their rights as freemen, an assault upon their religion, and an invasion of the sanctity of their homes. The minority, with equal vigor and openness, proclaim that the practices of those people are immoral, that they are disloyal to the Government, and that their attitude of defiance to the laws interferes with the advancement and prosperity of the Territory, and inflicts injury upon all of its interests.

It follows, necessarily, that the people here with a bitterness of feeling are divided as they are nowhere else in the country. The division is clear, distinct, and palpable.

The causes of division, in language not distinguished for its mildness, are constantly, earnestly, and vehemently discussed through the press, in the houses of worship, and in the social circle, engendering an intense feeling of bitterness. The vigorous enforcement of the unpopular laws against the people in the majority, with a prospect of further stringent legislation, does not tend to soothe or make them more amiable.

The truth of the statement that their attitude of defiance to the laws interfered with the prosperity of the Territory is sustained by the fact that since the passage of the law compelling and the avowal of a renouncement of polygamy, the Territory has prospered as it never prospered before. You will find this admitted in the Herald article hereto-

fore read. Mr. Richards read to you in his argument the account of money invested in Salt Lake, some \$5,000,000, he said, last year by the real estate men. Let me say further that it is my business and my duty to converse with those gentlemen who have come and invested in that Territory. What is their position? What do they tell me? They say this thing is all right if it was not for this fear of statehood. Whenever you agitate the question, whenever you mention it, it causes them to fear; thus you stop the wheels of progress there. These men say, "We will get up and go" if Utah is admitted.

Mr. WARNER. Now, before you get through with your argument, I would like for you to give reasons why there would be more danger to the non-Mormons by reason of Utah being made a State. You need not do it now.

Governor WEST. Probably it would come in the line of it now. I will say this: In the argument before the Senate committee Judge Baskin stated, which seemed to surprise Senator Butler very much, that the 50,000 or 55,000 non-Mormons would probably leave the Territory. He did not say probably, but he said they would get up and go. Judge Baskin said himself he would sell his property for half price and go. Now, I know of my own personal knowledge that it is a very common saying among the non-Mormons there that if the power of a State should be granted to those people that they would sell out at a sacrifice and go away from there; that they were determined to do it. That remark is made by those citizens who have been there longest. They were those who came into the Territory at a time when there were but few non-Mormons. We have not brought up, as the other party perhaps thought we would, as they denominate them, those old chestnuts, in regard to violence and such things; but these citizens, from the intolerance of this system, from the practice of carrying out this divine government, say that they could not exist under the tyranny.

Mr. WARNER. As I understand you, you state that these remarks are made by the old-time citizens who were there when there were but few non-Mormons?

Governor WEST. Yes, sir.

Mr. WARNER. And they recollected the tyranny practiced at that time?

Governor WEST. I judge so.

Mr. WARNER. What is the conclusion of those who have come in since?

Governor WEST. Just the same thing. I tell you—these men who have come and invested their money—I have talked with a number of them—say "Of course I do not want to stay here if you are going to have statehood under Mormon control. I would not stay in the country, and it would end this matter of investment and development." Of course, under State government you will understand that you intrench the power of these Mormon people. Senator Butler said: "Make a State out of the Territory. Could you not, with 50,000 stalwart men, go and fight the matter out and triumph over the Mormons?" Now, I say to you gentlemen and to Congress, put us upon an equal footing, give us an equal chance, and we will not hesitate to do it; on the contrary, as the fittest always survive, we have no doubt about the result of the matter; but look at the disadvantage. You see you intrench this power behind statehood. You give them all authority in the Territory, not for the purpose of building up the Territory, but for the strengthening and building up of their system. Now, mark you, this system, too, is based upon the supreme authority of God, not that He is in

heaven, but that they are in contact with him here on earth. Now, what chance has a man against a system of that kind?

Mr. BARNES. It does not seem that you come to the full understanding of the question. The question goes to the idea of how statehood is going to intrench Mormonism.

Governor WEST. I am trying to give you that.

Mr. RICHARDS. As I have business in the Supreme Court, I must now withdraw.

Governor WEST. Here is the way it intrenches Mormonism. This system of divine revelation, mark you, revealed polygamy and established polygamy. A Congressional law was passed against it in 1862, but it was never enforced there. The later law of 1882 could not for a long time be enforced. Not only that, but they established their church, which is forbidden by the Constitution; they established the Church of Jesus Christ of Latter-Day Saints. Congress annulled that act of incorporation. Now you give the State power, all the political power, with no right of Congress or any other power to interfere. Now what check have you upon their legislation? They talk about a revelation, which Mr. Caine read to you from their "Doctrine and Covenants" about their being the most democratic people in the world, and they claim to have the freest government in the world. He did not tell you, and I call your attention to that same book of "Doctrine and Covenant" that he read from—and from which Colonel Warner had incorporated the "celestial marriage revelation"—that he could have read from that same book the revelation of Joseph Smith, in which it stated that a man should have but one wife, and concubines none.

Mr. CAINE. Governor, there is no such statement in the book of Doctrine and Covenants.

Governor WEST. Do you mean to say that Mr. Smith does not preach that in the Doctrine and Covenants?

Mr. BASKIN. No; that is in the Book of Mormon.

Governor WEST. That is what I mean.

Mr. BASKIN. It was originally in the "Doctrine and Covenants," but it was taken out.

Mr. CAINE. I was going to say that a sentence of that purport is found in the Book of Mormon. It was addressed to the people of that time, and had nothing to do with plural marriage. We have never denied that.

Governor WEST. I am sorry Mr Richards has gone. I was coming to a point now upon this question where I wish to devote my attention to him. As to the law of tithing which he claims in his argument before the Senate committee was given only to the Saints in Zion in Missouri. If we give to the Mormons the power of statehood this shows what we can expect from a government of inspiration and revelation. If they confined themselves simply, as other people do, in the exercise of political power, to a full, clean, and fair discussion of matters, then we would have a chance. But there is no such thing in our Territory, and under their system it is impossible. You can not get it. Now, Mr. Richards took occasion to make—well, I will get to that after awhile. I am sorry he is out, because I wanted to pay my attention to him in regard to that matter. I recommended the passage of the Tucker-Edmunds bill and it was passed in a modified form. Now let us see what occurs. I read from my report:

But a little more than six months have elapsed since the bill became a law, yet within that short period a material and wonderful change has taken place in the sit-

nation here. Almost the entire adult Mormon population, except actual polygamists, have professedly yielded the position heretofore maintained by them and held when my last report was made, and have taken and subscribed to the following oath, prescribed by law, to qualify themselves as electors and office-holders :

This is the oath hereinbefore referred to in the arguments.

Right here to my Democratic friends upon this committee I want to warn them of the effect of adopting a policy by our party that would look to the admission of Utah. In the first place, I charge that in the history of this people from the beginning until now that they are neither Republican nor Democrat; that they have no politics. Their first and only allegiance is to their church, and I warn our Democratic friends, if our party makes the fearful and fatal blunder of defending and advocating statehood for Utah, there is not a Territory in the West that we can ever hope to carry as a State.

Mr. BAKER. Is there any hope for them as it is ?

Governor WEST. There may not be, but still "while there is life there is hope," and we have got some hope. Now, what I am trying to enforce is this: Here is Mr. Dubois's Territory of Idaho. Idaho is believed and generally held to be a Democratic Territory. Why do we have a Republican sitting in the seat of a Democrat? He succeeded simply because his adversary was believed to be contaminated with the desire to aid this Mormon influence.

The CHAIRMAN. He stated it was because the Mormons could not vote.

Governor WEST. That is another thing. Then, on the other hand, the Republicans out with us are pretty smart politicians. In Colorado—and that is another dangerous thing, these people, with their system, are going into Colorado, Arizona, Wyoming, Washington, Nevada, etc., and may hold the balance of power—in Colorado my Republican friends go and elect a Mormon bishop to the legislature, and so we are getting the worst of it all the time. Now, I say the Mormons are neither Democrats nor Republicans.

Now, here is the reply of the chairman of the Democratic committee to the invitation to participate in this Statehood convention; here is the reply of the Republican committee to that invitation; here is the reply of a Democratic club to that invitation; and I would like to have these replies incorporated in my argument. Now, I do this to show you the facts as established from all political sources. Here is the official utterance of the non-Mormons there. Not only do we get it from one source, but all along the line. These are not agitators. The chairman of this Democratic club—I believe he is apostate from the Mormons—is Mr. Rawlins. Is he not a son of Bishop Rawlins, Mr. Caine ?

Mr. CAINE. Yes, sir; but I do not believe he ever was a Mormon, and I do not think he would like to be called an apostate.

Mr. BASKIN. He is a son of the bishop, and has grown up, as most of these young men have, against Mormonism.

Mr. CAINE. I presume he would be called a Jack-Mormon, governor.

Governor WEST. I was simply asking this in order to get information.

HEADQUARTERS PEOPLE'S TERRITORIAL CENTRAL COMMITTEE,
Salt Lake City, Utah, June 17, 1887.

J. B. ROSBOROUGH, Esq.,

Chairman Central Committee Democratic party of Utah, Salt Lake City, Utah:

DEAR SIR: The Territorial Central Committee of the People's Party, considering that the time is propitious for an application for admission into the Union of the Territory of Utah, has called mass conventions to be held in the several counties June 25, to nominate delegates to a constitutional convention to be held in this city June

30, 1887. It is desired that this movement be made as general as possible, and that all classes of the people of the Territory shall participate in it. We therefore solicit the co-operation of the Democratic party of Utah, and through you as its chairman we respectfully invite your committee and your party to take an active part in the mass conventions, and to assist in the nomination of delegates to the constitutional convention, with the understanding that if you accept this invitation your party shall be accorded a fair representation in the convention.

By order of the People's Territorial Central Committee.

JOHN R. WINDER, *Chairman*.

JUNIUS WELLS, *Corresponding Secretary*.

CHAIRMAN ROSBOROUGH'S REPLY.

SALT LAKE CITY, *June 24, 1887.*

JOHN R. WINDER, Esq.,

Chairman People's Territorial Central Committee :

DEAR SIR: I have the honor to acknowledge the receipt on Sunday, the 18th instant, of your favor of the 17th instant, announcing that your committee had called "mass conventions" to meet in the several counties on the 25th instant to nominate delegates to a constitutional convention to be held in this city on the 30th instant, and inviting the co-operation of the Democratic party of Utah in the movement, with the understanding that they will be "accorded" a fair representation in such convention.

Having determined the propriety of the measure and taken action, you ask our co-operation. The brief interval of less than a week has precluded the possibility of getting our committee together to consider and answer in a more formal manner your proposal, or present to you such counter proposal as is hereinafter indicated, looking to a previous consideration and discussion of the propriety and expediency of such a movement under existing conditions in the Territory.

Your proposition, in plain words, is that the Democrats in the Territory unite with you in asking Congress to retire from the issue forced upon the Federal Government by opposition to its laws maintained by the dominant party in the Territory, and invest Utah, under the continued domination of that party, re-enforced by its lately disfranchised members, with the power of State government. Now, so far as I know, there is not a Democrat, or, as for that matter, a single non-Mormon of any shade of political faith in Utah, who is willing to co-operate in the proposed measure, or would not regard its consummation as not only destructive of their individual rights and interests, but suicidal to the peace and prosperity of the Territory. A long residence here, and a familiarity with the discussions elicited by the abnormal condition of affairs in Utah, have impressed me with a sense of the unanimity of that opinion and belief and the reasons therefor. In giving expression to the same and of their unwillingness to join in your design of a State government, it is proper that I should here state some of these reasons in order that the same may be better understood, and that the country may judge whether the time is "propitious" or the Territory prepared for statehood:

(1) It is the duty of Congress to secure to the several States in the Union a government republican in fact and in spirit, as well as in form, and this obligation imposes the further duty of seeing, before the admission of any new State, that its people are prepared for the safe exercise of State control, and in harmony with our political institutions. Utah under the control of your party, invested with delegated powers, has stood for a quarter of a century, and still stands, arrayed against national laws, and used these delegated powers to defeat their operation.

(2) Your party is the dominant church, and that church, as a political organization, constitutes your party; nothing contained in one is wanting in the other, and neither contains what is not tolerated in the other; they are one and the same in their membership, so that independent political action by an individual can never occur except with apostasy from the creed. The theory upon which our republican institutions are based is that all political power is derived from the people. On the contrary, the leaders of your party claim and teach, and their followers concede, that all rightful political power is derived from God, and is delegated to his chosen ministers, who have a divine commission to rule over the people, whose first duty is to obey counsel (i. e., submit to dictation) in temporal as well as spiritual concerns; and they further hold and teach, as a political maxim as well as a dogma of a creed, that this divine commission entitles them to the present right to, and the near future possession of, universal sovereignty to be founded upon the ruins of all secular ("man-made") governments. Such assumptions are utterly repugnant to American institutions, but at the same time these pretensions gauge the patriotism of these leaders and denote the intelligence and other qualifications of their followers for citizenship and statehood.

(3) The assumption of political power under ecclesiastical organization has been the chief cause of the trouble in which your party has been involved wherever in

contact with State governments in former times, as in the State of Ohio, Missouri, and Illinois, and with Federal authority in Utah. Not satisfied with taking equal chances under the law with other religious sects, your party adopted and has always pursued the policy in these States, and later in Utah, of gathering their followers together in compact bodies, organized to act as a unit, in an Ishmaelite spirit, for the purpose of securing and holding political control. A convincing proof of this fact is that a branch of your faith, which early repudiated these ambitious purposes, is scattered in many States, in the enjoyment of undisturbed peace. If clothed with the powers of a sovereign State, an organization which has defied the laws of States and waged a contest with the Government of the United States in opposition to its laws, and in disregard of decisions of the Supreme Court, with the limited powers of a Territory, can not be trusted to forego the use of those largely increased powers, in the same direction and in such manner and spirit as must necessarily lead to collision with the Federal Government. In the very nature of things, this would be inevitable; and instead of settling the vexed Utah question finally and peaceably, the admission of the Territory as a State would enlarge and embitter the contest, and render more destructive and deplorable the mode of final settlement.

(4) The hasty and irregular mode you have adopted without any enabling act, without consideration or discussion, without the formality of election of delegates, where elective franchise is restricted and qualified, and without any popular demand, is objectionable, and would tend to defeat the purpose of the movement, even if more serious objection did not exist. After more than thirty years of abuse of delegated legislative and judicial powers by the Territory, Congress in 1882, and again in 1887, revoked some of these powers and vested them in Federal agencies with the express declaration in each of these acts that such revoked powers would be withheld until the Territory, by fair and appropriate legislation, should provide for the proper exercise of those powers. Five years have elapsed, and Utah has made no provision to meet the fair offer, but, on the contrary, has continued to the present time a factious and unrelenting contest with the Federal authority.

Can it, with any reason, be expected that Congress will acknowledge defeat and retire from the contest, and vest in such hands the immense increase of power demanded?

In view of the history and conditions of Utah in its political relation to the Federal Government and the spirit of opposition to its laws, if there ever was a reason for an enabling act according to the usage, in any instance, this Territory presents the most conspicuous case for such prerequisite.

(5) No matter what provision or guaranties you may put in your constitution, there can be no assurance that the powers of a State government, if conceded, would not be perverted and abused by unfriendly and proscriptive legislation, and by an equally vicious administration, to the extent of driving the hopeless minority from the State as cursed "outsiders," as non-Mormons, citizens of the United States, are usually designated in fashionable pulpit oratory. Constitutional declarations require legislative enactments to put them in force, and these require judicial and ministerial action to give them effect. These functions would be committed to the covenant-bound men of your party, re-enforced by their associates now disfranchised in exile or in prison (the "élite" of the Territory, as they are styled by one chief among them) who maintain that existing laws on like subjects are contrary to the commands or license of divine revelations, and therefore void. And besides, in a progressive creed like that of your party, which claims cumulative new revelations from time to time, there may be room and occasion for abrogating constitutional provisions in obedience to emanations of this kind. Constitutional guaranties have no force with a majority who consider them null, as opposed to "higher law or divine revelations."

(6) A most serious apprehension exists in the minds of all non-Mormon people in Utah as to what would be the condition and destiny in store for them if subjected to the unrestricted power of the dominant majority who are not a homogeneous American population, such as exists in other Territories and States. A very large population has been recruited from the countries of the Old World, with little knowledge and less interest in our republican ideas, history, and institutions, but has come or been brought here by assisted immigration for the purpose of building up a temporal kingdom, and are thoroughly imbued by sinister teaching with the idea that the people and Government of the United States are their enemies. From the beginning systematic efforts have been employed by the dominant majority to discourage and deter non-Mormon American citizens from settling in Utah, and such as have come here have been constantly boycotted in their business. They have been misrepresented and maligned as adventurers seeking to rob Mormons of their property. By pre-occupation under bounty of the Government, and by reason of unfriendly neighborhood deterring settlement by others, the dominant sect obtained and hold substantially all rural property suitable for agriculture. Yet the non-Mormons of the Territory, by the enterprise and capital they have brought here, have opened the mines and developed therefrom within the last seventeen years more than ninety millions of dollars; have ex-

pended hundreds of thousands of dollars annually in wages paid to Mormon laborers without distinction, and furnished markets for their agricultural products before a drug; purchased and improved city property, and contribute at least one-third of the taxes paid. Before the development of this wealth, though the Territory had been settled twenty-three years, its entire annual revenues did not exceed \$20,000, and the Territory had no hospital, or asylum, or college, or system of common schools. Men who have accomplished so much insist upon an equal protection of the law and the mode of its administration which a knowledge of the past warrants them in doubting, should the Territory be admitted as a State.

(7) The movement for State government is premature. If your organization will first prove by their conduct and acts that they recognize the supremacy and binding force of national laws, confirmed by judicial scrutiny, without further evasions or obstructions, and end this state of chronic semi-rebellion (as you can easily do, if you mean peace under a State), you can show to Congress convincing evidence of good faith and fair claim to the boon of statehood, without which your proposed application should meet the fate of its several predecessors.

(8) Considering that a compliance with your invitation to co-operate with your party in the proposed step would lend to it the specious appearance of being a spontaneous movement originating with the people at large, including all classes, we prefer to leave its management and fortunes to you alone, pending the unsettled contest between your party and the Government, while we appeal to the sense and magnanimity of the nation to avert what we sincerely believe would, under existing circumstances and conditions here, prove a ruinous calamity.

But after conferring with such of our committee as could be reached in the brief time you allow, I am authorized by them to say to you that if you will suspend your proposed action and call public meetings at some dates mutually agreed upon, to discuss the propriety of calling a constitutional convention under the usual forms, and whether the time is "propitious" or the people of the Territory prepared to exercise the powers and rights of a sovereign State and will concede the representation you mention, delegates named as our committee may propose will attend such public meetings and discuss with you those questions, at which time we will undertake to show from the record and history of your own party, written by your own leaders, and by other evidence, proof of the truth of the facts herein aforesaid, as reasons why Utah should not seek or be accorded statehood under existing conditions.

Respectfully,

J. B. ROSBOROUGH,
Chairman Democratic Territorial Committee.

REPLY OF THE REPUBLICAN COMMITTEE.

SALT LAKE CITY, June 24, 1887.

JOHN R. WINDER, Esq.,

Chairman of People's Party Territorial Central Committee, Salt Lake City, Utah:

DEAR SIR: Your letter addressed to the chairman of the Republican Central Committee was not received until three days since, by reason of his temporary absence, and the brief time since has precluded consultation among the entire committee, but having had a meeting of a majority for the purpose of considering your letter, we now return you this reply, and wish to say that it is the unanimous conclusion of all who have been consulted.

Your letter invites the Republicans of Utah, through their central committee, to take part in mass-meetings, called by the People's party "to select delegates to a convention which is to prepare a constitution, with a view to an application by the Territory of Utah for admission into the Union as a State." We acknowledge with pleasure the courtesy which prompted your invitation, while we sincerely regret that the brief time permitted us for a reply, as well as for consultation, will not allow us to answer your invitation as we would desire. The exigencies of your call for the meetings to which we are invited entitle you to an immediate reply, and we must necessarily abridge rather than elaborate this response.

We acknowledge the importance of the subject of your letter. The question of statehood for Utah involves to a great degree the most vital interests affecting the welfare and prosperity of the people of Utah, and has, as we conceive, even a greater importance to the Gentile or non-Mormon portion which we represent than to those of your committee. We concede freely the gravity of the proposition, and shall discuss it, we hope, with the solemnity which properly attaches to it.

We regret exceedingly that your invitation by its terms assumes that the propriety and expediency of Utah becoming a State is not a question to be considered. As this is the most vital question in issue we shall, before concluding, discuss it, because while we can not for other reasons accept your invitation, we regard this question as by far the most important one belonging to the discussion.

Preliminary to that, however, we call attention to the manner in which our co-operation is sought.

You say, with a manner bordering upon the patronizing, that your committee solicit "the co-operation of the Republican party of Utah" in your movement for statehood, and invite that party to take an active part in the mass conventions called by your committee, with the assurance that if we do so we "shall be accorded a fair representation" in the proposed convention. As we are advised by the public press that a like invitation has been extended to the Democratic party of Utah, we may fairly assume that the proposition amounts to this: The People's party by its committee having called upon its followers to elect delegates to the proposed convention which it has decided to hold, proposes that the Republicans and Democrats shall enter the People's party organization and meetings and allow such meetings to select delegates from the entire mass assembled, with the assurance that a fair representation will be "accorded" to Republicans and Democrats. Instead of our political organization choosing its own representatives from among the party, we are invited into the camp of another party, or rather two other parties, and told that these two and ourselves may select a number of Republicans, such as the whole shall decide is "fair," as delegates to the convention. Instead of the Republican party, therefore, being called upon to send delegates of its own choosing to the convention, it is asked to allow those not of its party to select its representatives for it. Perhaps if a proposal of this kind were made by the two great national parties to each other—that is, each party should allow its opponent to select its candidates for public station—the substance of the proposition would be more readily understood; but, we take it, there would be no difference between such a proposition and the one submitted to us, except that while you propose to select the Republican delegates, you do not indicate any willingness to "accord" to the Republican party the like privilege of selecting the delegates of the People's party. Passing this, however, there is another view of the subject to which we desire to call attention. The People's party is admittedly a local party in Utah Territory. It claims neither connection nor affiliation with either of the great national parties of the country, and even in the situation of a candidate for the national Congress it maintains its opposition to both those parties. It is not only a distinct party, but its followers, as is well known, are made up exclusively of one class of people in Utah—those who are adherents of the Mormon Church. This party has hitherto, as we shall show, been unsuccessful in the frequent applications it has made to secure the admission of Utah into the Union as a State, and finding this, in their opinion, a "propitious time" to renew their former efforts in that direction, desire to enlist the co-operation of these organizations which have political relations and influence with the two great parties of the country to aid it in securing the success of its scheme. We are asked by the Mormon Church party, speaking plainly, not to decide upon the expediency and propriety of the measure it proposes, but to assist them to do what they have failed to accomplish without us. In fact, your invitation, while entirely polite in form, bears on its face evidence that you regard it as condescension when you allow us—"accord" is the word—the privilege of aiding you in securing an object about the propriety of which we have not been consulted. With all due respect we must be allowed to say that before we give our aid to such a scheme we should be permitted first to examine and determine upon its wisdom and propriety. Your invitation predetermines that question, and that now is the "propitious" time for an application for admission into the Union, and without consulting us as to whether we agree with you on this vital proposition, you seem to think we should be sufficiently honored by an invitation to assist in consummating your scheme.

THE PROPOSED MOVEMENT.

This brings us naturally to the discussion of the State movement—its object, purpose, and result, its wisdom and expediency. This, in the limited time at our disposal, we can only do in a very general way, leaving much unsaid which the occasion demands, and which we would not willingly omit.

Application for the admission of Utah to the privileges and powers of a State have been repeatedly made heretofore by those who compose the "People's party," to the Congress of the United States. A constitution was framed in 1850, and an application based upon that was made for admission as the State of Deseret. The application was refused. In 1872 another constitution was framed and again presented to Congress with a petition for admission. This was also rejected. In 1882 still another constitution was formed, and application for admission again denied. Petitions and memorials of the legislature of Utah, under control of your party, and at public meetings called and controlled by the Mormon Church, through its political committees, have again and again urged the Congress of the United States to give statehood to Utah. They have uniformly been disregarded, and in the discussion of other questions relating to this Territory the sentiment in the national Congress on the question has been

unmistakably adverse to the proposition. The formal attempt made in 1873 to secure the passage of that measure in Congress was not only a failure, but it was shortly after emphasized by Congressional legislation for Utah, which very clearly indicated the public sentiment of the country at that time on the subject. The calling of the constitutional convention in 1882 met with a rebuke in further special legislation by Congress for Utah. Instead, therefore, of Congress having given any indication of a desire to extend the powers of the Mormon Church by giving over the control of Utah to it, through a State government, it is only a few months since—whatever may be said as to the effectiveness of the legislation enacted—that Congress unmistakably indicated its purpose to restrict the powers of the organization to still narrower limits. In view of this condition of things, known to all intelligent people, we may be permitted to ask, why do your committee assert that now is a “propitious” time for the renewal of the many rejected applications of Utah for admission? What change in the public sentiment of the people of the United States has taken place which justifies the assertion that now is a propitious time for your application? What change in the attitude of the People’s party (the Mormon Church in political harness) on those subjects which have always presented such obstacles to statehood has been undergone which enables you to make such a confident announcement?

If any such changes have occurred, either on the part of your party in Utah, who are anxious for admission as a State, or on the part of the national authorities or national public sentiment, we are not advised of it. And even if we were favorable to the objects of your convention, we could not with our limited information assert this to be an opportune occasion for the effort. In truth, to be frank, we suspect that in the present closely balanced condition of political parties in the United States, and in the anxiety of each to strengthen itself for future interests, your committee have a hope that by some political alliance appealing to the necessities of one or the other of the great parties, your object, otherwise hopeless, may be secured.

Your call for a convention implies, by the fact of its being made under the circumstances that your party, and the church organization it represents, have concluded to modify its position in some essential features.

We are free to say (and we oppose the State organization and admission on that basis) that in so far as the institution of polygamy has been an obstacle in the way of the success of the scheme of statehood, we suppose that your organization is prepared to surrender to the public sentiment of the country and abandon it. Any effort for admission without such concession would be preposterous, in view of the known public sentiment throughout the country. Therefore we, in announcing our position, do so under the supposition that all objection to the admission of Utah as a State because of the attitude of those hitherto wielding her political power on the subject of polygamy will be met by a real or seeming abandonment of this custom for the future.

OBJECTIONS NOT MET.

This question aside then, we desire to say that our objections to Utah becoming a State are still untouched. These objections, simply stated, are: The masses of the people of Utah are adherents of an ecclesiastical system which forbids all harmonious relations with any system of civil government founded on the right of man to govern himself. The central idea of your system is, that all lawful government emanates by revelation from God to his priesthood, and that it is the duty of all its followers to be advised by that priesthood on all subjects of a governmental as well as spiritual character. Adhesion to this theory, which negatives all faithful allegiance to any authority which it does not control, has been the main cause of all the hostility which the system has ever encountered among just and fair-minded people who are not Mormons.

The kingdom of God on earth is the Mormon Church, as its followers assert, and is destined to supplant all other governments, or rule through them. A people who believe such a doctrine can not be intrusted with the powers of government without the destruction of all the rights that others are guaranteed under the republican system. A people entertaining these views are, in our opinion, unfit to be trusted with political power. As a matter of demonstration, we know how grossly it has been abused in the past, when they enjoyed it without restraint, and we see nowhere the slightest evidence which gives us any hope that you have in this particular “seen the error of your ways.” A people who acknowledge this theocratic idea of government can not be true and faithful citizens of any other form of civil government; they have no proper guiding principles for its administration.

If Utah should be clothed with the forms of a State, the result would be a theocratic State, in which, as Mr. Cannon, one of your ablest and wisest oracles, expressed it, “The voice of God would be the voice of the people,” and this voice finds expression through the chosen mouthpiece—the head of the Mormon Church. This political axiom of your people’s party is announced by its recognized leaders and is accepted

with full faith and obedience. It reverses the entire theory upon which all republican governments are founded, and derives the authority to govern, not from the people, but from those anointed, as you claim, by a divine commission to rule over them. These differences are too radical for accommodation, for our fundamental idea for all civil government is, that it is derived from the people. In a State established under a theocratic idea a free public sentiment finds no place. It extinguishes and annihilates all the fundamental beacons of the republican government around us, and remits us to the darkness of that superstition and fanaticism which the world of intelligence and law has been struggling to escape. This element of your system, or faith, if you choose to call it such, renders it impossible for your people to live in harmony with any other community in our land. These pretensions forced your earliest leaders, almost at the dawn of your career, to leave the State of Ohio, one of the most tolerant portions of our Union, and to seek the frontier of civilization on the western boundaries of Missouri. The attempt to condemn the laws of that State, on your theory that God's people—whom you claim to be—"were a law unto themselves," soon led to that exit from the State which forms so prominent a chapter in your list of grievances against the United States Government.

The same pretentious compelled you to abandon Illinois and retreat to a spot then the most thoroughly isolated of any on the continent. All this occurred before those social and domestic customs which have, by the astonishment which their adoption has created, obscured the most vital objections to your system. Here, in this paradise of the Rocky Mountains, for more than ten years your system, practically unchecked and uncontrolled, had full sway. What was the result? You were in open rebellion against the Government of the United States. Your prophet, then bearing the commission of governor, as an United States officer issued his proclamation ordering the Army of the nation to depart from this Territory; your militia, called out by his order, attacked the wagon trains carrying food to troops who bore the flag of the nation on their journey, and captured and destroyed them.

We do not refer to those incidents with a view of exciting any asperity in this discussion, but to illustrate what we regard as the natural result of the theory of civil government which every Mormon sanctions. Harmonious relations with any other government are impossible, because the Mormon is either a ruler or a rebel, if his faith is his guide. There are many incidents in the history of this Territory fully sustaining these views, but we will not recite what needs only to be alluded to to be understood.

The irregular and totally unauthorized way in which your call for this convention is issued is itself an illustration of your crude and unrepblican theory of government; without any recent discussion, even through the public press, without an enabling act of Congress, or any law of the local legislature, or any demand from the people, your committee issues a call to its supporters, with the same apparent assurance of obedience as if your followers were sworn soldiers, marching under the orders of its commander. Such a violation of all the usages and traditions of American government, by which the citizen is called upon to act, instead of being consulted as to whether action is advisable, only demonstrates that your call is the dictate of a church cabal, which governs its own followers by the claim of "divine right" and those who do not acknowledge its authority by the argument of power. We regard the manner of your call, its disregard of law, its violation of precedent, its unseemly and unexplained haste, as not only an insuperable objection, but as manifesting a want of capacity for civil government and regard for the fundamental idea of republican government, which we can not, in justice to ourselves, decline to express.

We may add to these general observations another. However we may differ otherwise, you must agree with us that in the later Congressional legislation for Utah Congress has intended to limit and restrict the authority of the church of which your committee and followers are members. It is true that by their prominence one or two of the practices of your people, challenging attention by their novelty as well as their importance, have received most attention; but it has not escaped you that the way to avoid the laws of the United States, which have recently given you great concern, is to erect a jurisdiction wherein they would not operate. As this state of things has sent into exile your acknowledged head, accused of violation of the national laws, and many of your leading men for like reasons, we can well understand that measures calculated to relieve such persons do not admit of any lengthy formalities being used. Like the writ of habeas corpus, they belong to the category of summary remedies, and are liable to betray their origin by the circumstances of their adoption. To speak in perfect sincerity, at a time and under circumstances that compel us to be respectful and yet entirely frank, is not this sudden movement for statehood the last resort of the leaders of your party to free themselves from the consequences which adherence to their principles have visited upon them personally, without giving any assurance that your system, which brought them into collision with the national authority, is to be reformed? Has this movement originated in a real regard for the welfare of the people of Utah, or is it not a device to free your leaders from the unfortunate

consequences of their personal defiance of the national authority? Is it to be supposed that the Gentiles, or non-Mormons, if you prefer the term, as we are, would aid in that which would give a theocratic despotism to Utah, under the form of a State government, instead of that reformation of her policy for which many of us have been laboring for long years?

Permit us to say, in conclusion, that so long as the Mormon Church shall in numbers be superior to the non-Mormon population, and shall claim and exercise the power to control through its ecclesiastical authorities its members, and they recognize its authority to exact obedience to such counsel, we, as Republicans, as citizens of Utah, as American citizens, shall and will protest against any political power being exercised by them, either in a State or any other form of civil government.

Our judgment may seem to others who are not familiar with the circumstances a harsh one, but you will understand our reasons when we say that we oppose placing governmental authority in Mormon hands because we regard the system as one totally at war with all our recognized ideas of republican government, and incapable of being so reformed as to be made in any degree a depository of impartial governing power.

When your Mormon Church shall have abandoned its pretensions as a temporal power, when its people shall render that obedience to the laws of the land which is yielded by all other citizens of every shade of religious belief, in fine, become supporters of the lawful civil government, then we will consider whether Utah, though Mormon in population, may not be safely trusted with statehood. Certainly for the present we can not consent to making the experiment.

Regretting again that our differences are too radical to admit of co-operation, and hoping that the time may come when we shall recognize a common allegiance to the Government of our country, and that each man's faith in religion may be such as to harmonize with his duty as a citizen, we are, most respectfully,

Your obedient servants,

WM. F. JAMES,
Chairman.
WILLIAM NELSON,
Secretary.

M. M. KAIGHN,
JOHN R. MCBRIDE,
ARTHUR BROWN,
P. H. EMERSON,
E. P. FERRY,
JOS. E. GALLIGHIER,
V. M. C. SILVA,
CHRIS DIEHL,

Members Territorial Republican Committee.

REPLY OF THE PRESIDENT OF THE DEMOCRATIC CLUB.

SALT LAKE CITY, June 25, 1887.

JOHN R. WINDER,
Chairman of the Committee of the People's Party:

As president of the Democratic club I acknowledge the receipt of your invitation to participate in the constitutional convention to meet pursuant to the call of your committee.

The platform of the Democratic club, in addition to a general indorsement of Democratic principles, declares in favor of a disunion of church and state and respect for and obedience to existing laws.

It also declares in favor of statehood for Utah, conditioned upon these principles becoming predominant in the sentiment of a majority of her people. Less than two years ago your committee and the party you represent, together with its official organs, unanimously repudiated these principles and the policy outlined by the platform of the Democratic club. Assuming that you and your party consistently adhere to the position then and so recently taken, you can scarcely expect the Democratic club to co-operate with you in any political matter whatever, much less to secure the admission of Utah into the Union as a State upon the basis of the policy and the principles your party has so far uniformly represented, and which are essentially antagonistic to the policy and principles of the Democratic club. With thanks for extended courtesies, I remain, respectfully,

J. L. RAWLINS,
President Democratic Club.

It will be observed that the movement for statehood was inaugurated by the leaders of the Mormon people. Their representatives alone took part in the deliberations

of the convention, and that portion of the people of the Territory only favor and support it. When we remember how recently those people avowedly held and maintained a position which placed them in opposition with the Federal laws, the holding of which in the past had brought them into conflict with the people with whom they lived in Ohio, Missouri, and Illinois, and in antagonism with all comers to this Territory not identified with them; when we recall that a failure to yield that position would have cost them the political control which they have held since the organization of the Territory; that the securing of statehood will place in their hands and take from Congress the power that it has been compelled to exercise to regulate and control their actions in accordance with the moral sense of the country and Christian civilization; before clothing them with sovereignty should not Congress wait until the action is suited to the word, until their laudable professions have had time to ripen into praiseworthy works; until the conduct of the people and the legislation of the Territory in consonance with their professions are brought into harmony with the general views of the country, and the Territory placed in the advanced position it would have attained but for the past attitude of those who are now asking the boon of statehood?

In discussing and acting upon matters relative to this Territory, it is too often the case that it is forgotten that any other than our Mormon fellow-citizens are residents here.

I know that it has been earnestly and persistently urged that the non-Mormons of this Territory are a set of political adventurers who, by constant agitation and appeals to religious bigotry and prejudice, have sought to incite the enmity of the country against the majority that they might obtain political power and the opportunity to plunder and rob the Territory. It is not true that the non-Mormons are of the character stated or that they seek by any means to accomplish the purpose charged. According to their numbers they will compare favorably with any people in our land, and have, I suppose, fewer political adventurers among them than any portion of the country, the absence of inducement making this necessarily so, as it is a fact easy of ascertainment and patent to every observer that since the organization of the Territory, under past conditions, they have never stood any chance of political preferment.

The minority portion of our population have been drawn here by an inviting climate, a rich and attractive country, with a view to the acquiring of wealth and the enjoyment of the comforts and blessings of life. They number in their ranks members of all the professions, bankers, manufacturers, merchants in all lines of business, farmers, stock-raisers, miners, mechanics, laborers, and representatives of the various industrial pursuits. They have established great business enterprises, acquired much property and wealth, and are interested alike with our Mormon population in the peace, prosperity, and happiness of the Territory. It is true they have with great unanimity vigorously opposed the majority in the upholding of and the practice of polygamy, and earnestly combatted the government of the State by the church, maintained the supremacy of the law and the duty of the citizen to obey it, and opposed priestly dictation in secular affairs. I have yet to know or hear of any one of this class who favors the admission now of Utah as a State.

The legislation of the last Congress for the benefit of this Territory, having established confidence outside of Utah that the vexed question here would be settled, and the determined effort inaugurated by our business men to push forward the development of the Territory, have already accomplished much good. Capital from abroad has been invested in the purchase of real estate in this and other cities of the Territory, purchasers are still looking and buying, and there is an activity in the real-estate market unknown here for years. From knowledge obtained by communication with investors and those who are familiar with real-estate operations, I have a firm conviction that a well-grounded fear of the admission of Utah as a State would stay our incoming tide of prosperity, and lose us the already enhanced and increasing values of our real estate.

It is more than probable that the question of Utah as a political factor in national affairs will be considered in connection with the application for its admission as a State. Neither of the great political parties, Democratic or Republican, so far as the past history of this people is concerned, can lay claim with any degree of certainty to their support. Their political history in the States is known; also the fact that always in this Territory they have constituted a separate and distinct party, having their own organization independent of the Democrats and Republicans, and that all efforts to draw them from their own into another party have proven signal failures. They elect officers from their own numbers, because they are Mormons, without reference to their being either Democratic or Republican.

Thereupon the committee adjourned until to-morrow, Saturday, at 10 o'clock, a. m.

COMMITTEE ON TERRITORIES,
Saturday, January 19, 1889.

The committee met pursuant to adjournment, and Governor West continued his argument as follows :

Mr. Chairman and gentlemen of the committee: In regard to a question asked me yesterday I intended to make an explanation in connection with the Salt Lake Tribune, which I omitted to do. I will take occasion to do so now in regard to that article, which was quoted here as intolerant by Mr. Caine. Actions speak much louder than words in this connection, and the statement as to that paper being the organ of the anti-Mormon ring and bulldozing non-Mormons and forcing them into position, I will simply state that the Salt Lake Tribune and the fusion movement they talk about, whereby the non-Mormons accepted a proposition of the Mormons to unite in electing a council for Salt Lake—in the early movement made there for the fusion, that that paper took grounds in favor of that movement, and the editor of that paper, Judge C. C. Goodwin, was an ardent, earnest advocate along with myself in that movement. Now, it is true that a majority of the non-Mormons in Salt Lake City were opposed to that, bitterly opposed to it; and they organized their forces and appointed committees, held meetings and made a vigilant canvass against it. But, mark you, this paper that they say is bulldozing the people out there and controls them by its cry of "Jack Mormonism," was an earnest advocate of this movement, its editor having, through the paper and in public speeches, started it. Not only that, but another one of the so-called anti-Mormon ring, Judge McBride, who has made an argument before you here, favored that movement, and gave it his earnest support. Judge Baskin, I think, was absent.

Mr. BASKIN. I was absent, but I would have been dead set against it.

Governor WEST. Now, you see how the non-Mormons are bulldozed. There is simply one instance of it. I thought it was necessary to make that explanation in connection with it; and, as I say, actions speak louder than words, and while persons may make intolerant utterances of which you would not approve, when their acts are fair and honorable, it is very much better than talk.

Now, gentlemen, I will proceed, as I have got this matter in better shape this way than I could by talking, because I think I give both sides fairly. I read :

It is with much satisfaction that I am enabled to state that marked and decided changes for the benefit and advancement of the people and the prosperity of the Territory have taken place. To some extent there has been a bridging of the chasm that has separated the Mormon and non-Mormon people since the settlement of this Territory. The Mormon people in some measure have relaxed the old rule of rigorous exclusiveness, which has heretofore kept them separate and entirely apart from their non-Mormon fellow-citizens. They have exhibited a spirit of liberality and enterprise in appropriating moneys for needed charitable and educational institutions. Without having the control, they have united with non-Mormons in public organizations for the protection of and increase of trade; they have united with them also in the celebration of the national anniversary upon the last two occasions of its observance; and they have united with them also for the advertising of the advantages and resources as a means of securing new population and capital for their development.

They have, where the power has been in their hands, while retaining control, liberalized the municipal government of this city by giving representation therein to the non-Mormons. They have done likewise in the boards controlling the asylum for the insane, the Deseret university, the reform school, the agricultural college, and the Territorial fair; the last legislative assembly enacted liberal laws for cities, enabling them to make loans and issue bonds for sewerage and the obtaining of additional supplies of water. They have provided also for election of aldermen and councilmen by wards in cities.

It is proper to remark that all of the changes noted have occurred since the enactment of the law of Congress of 1887, and taking of the oath prescribed by said law by the Mormon people, and the inauguration by them of the movement to secure the admission of the Territory as a State. It can scarcely be doubted that the impelling inducement moving the Mormon leaders to the better and more liberal policy above indicated, and the object they seek to attain is the admission of Utah as a State. Many well-meaning, honest, and upright non-Mormon citizens, fearing the accomplishment of such purpose, and thereby the intrenching behind the barriers of statehood of the power that has so long dominated here, have withheld their encouragement from these laudable movements.

There can be no fair, unprejudiced, and candid person, Mormon or non-Mormon, but must see and acknowledge the benefits that have already accrued to the general public by a departure from the old ways. Nor should they fail to perceive the good that the future holds in store for our faithful adherence to our new and wiser course. I have not been of those who feared bad results from good and meritorious actions. Every movement of merit, whatsoever the motive prompting, and from whatsoever source emanating, has received from me hearty encouragement and earnest support.

Yet I am most firmly convinced that there is an irreconcilable political difference, fundamental in character, between the Mormon system and the government established by the United States, and that of necessity an irrepressible conflict will wage until it is settled.

That fundamental difference is that while our Government is founded, and is a government of the people, by the people, and for the people, the Mormon system, as it is established, is a government of a priesthood, by a priesthood, and for a priesthood.

I believe it wise, too, and for the best interests of the whole community that that difference should never be lost sight of or concealed from public notice; and that at all suitable times, and upon every proper occasion, efforts should be made to its rightful adjustment. Wisdom, however, dictates that while this conflict is in progress both sides to the controversy should engage in a generous rivalry for the material development of the Territory.

And, mark you, the burden and tenor of all the arguments upon the other side have been to show that in wealth, population, and resources the Territory ought to be admitted. Now, that is conceded on our side all the way through, and no time need be wasted on that proposition.

The Mormon people are united in pressing for the admission of Utah as a State into the Union, urging that both as to wealth, material development, and every essential this community is well qualified for statehood. That having ostensibly, by oath and public profession, renounced polygamy, no reasonable objection can be now made against admission.

The non-Mormons, both Democrats and Republicans, are united in opposing the admission of the Territory, while conceding that as to numbers our population is sufficient, and that our resources would justify our assuming the responsibilities of a State government, yet in essentials far more important we are lacking. That the majority of this people have been educated to adhere to a power foreign to the spirit and genius of our institutions. To this despotism they render allegiance and yield obedience; when it commands, though contrary to the law of the land, they obey, as witness the establishment and practice of polygamy; that to admit Utah into the union of States is to enthrone with sovereignty this power behind the barriers of statehood. That the avowal of a renunciation of polygamy was for the purpose of continuing and permanently establishing the political control of this power. That to admit Utah is to determine that the principles of our republican government shall not apply to all our people and the whole of our territory, but that the best interests and important destinies of at least one of our States is to be intrusted to those who claim to rule not only by right but by power divine.

In considering this matter of vital interest to this Territory and the whole country, prejudice and passion should have no voice in the discussion. The examination should be calm, dispassionate, and fair, but carefully confined to the subject.

The discussion of the Utah problem has evolved much unprofitable religious disputation which has clouded and obscured the real issue of grave importance. The Mormon people have vehemently protested that a crusade has been and is being made against their religion; that a war has been made upon their people; that the minority has endeavored and is endeavoring to establish its rule and obtain control by appealing to bigotry, prejudice, and hate. From the very nature of the controversy, the difference being fundamental in its character and not susceptible of compromise,

the element of religious faith injected into it, the long time and the zeal and earnestness with which the contest has been waged, precludes the idea that it could have been conducted through the years without unfairness and misrepresentation upon both sides.

As to the justice of the claims made by the Mormon people as above set forth, as to their treatment by the Government, its officers, and the people of the United States, including their fellow-citizens in the minority resident in this Territory, I may be allowed to repeat what I have before had occasion to say :

"The unity which is obtained by recognizing the supremacy of one man or set of men, by attributing to him or them a knowledge and power not granted to others derived from superhuman and supreme source and therefore not to be questioned, but must be obeyed, is the establishment of complete absolutism in those holding power, and the most abject and servile slavery in those submitting. It stifles enterprise, prevents progress, is death to prosperity, unites all people not connected with it in antagonism to it. Intelligent freemen will not object, but cheerfully submit, though their ideas may not prevail, in communities of which they are members, so long as they know that they have had an equal chance with their neighbors in asserting themselves. But when this is denied them, and they are conscious, regardless of the merits and worth of their views, that they have no voice, but are buried beneath a power alien to and unrecognized by the government under which they live, it is not surprising that they should rebel against the tyranny which paralyzes manhood and destroys freedom.

"The contest which the minority have waged and now urge has not been upon the principle that minorities should control, but that freedom should be established and prevail here as elsewhere in our land; that no one man or set of men asserting and claiming absolute power as of divine right shall regulate and control the State and all the affairs of the citizens, moral, religious, social, political, commercial, and financial; that each citizen's weight in public affairs and private enterprise shall alone depend upon merit and capacity.

"Submission to the government of God through His priesthood, and the unity it enforces, brought this people to accept, sustain, and uphold polygamy, whether practicing it or not, regardless of the sentiments of the Christian world, and in defiance of the law of the land."

I frequently have had occasion to say that under this system of revelation promulgated by this priesthood that if it was commanded that the first male child born should be sacrificed upon the altar, it would be received, accepted, and practiced by them, just as polygamy is.

"This revelation, enforced upon the people as law by the priesthood and accepted of necessity without question by them, attracted the attention of the whole country. Its practice received universal condemnation, provoking the enactment of Federal laws against it, and their enforcement by officials of Federal appointment.

"No church organization can obtain and hold political power in this country. It is contrary to the spirit and genius of our free Government."

That I may be understood, let it be known that I have no religious controversy with the Mormon people. I firmly hold to the rightfulness of the constitutional guaranty which the Government has given, that it will always hold the creeds of its citizens as sacred and inviolable as their lives. No attack is made upon, nor is any punishment of, the Mormon religious creed asked for. The wisdom and propriety of putting, not the belief in, but the practice of, polygamy equally by Mormon and non-Mormon, Jew and Gentile, under the ban of the law has passed beyond the pale of profitable discussion. With polygamy out, I make the statement and challenge successful contradiction that there is no tenet, ceremony, practice, observance, or right inculcated or taught of a religious nature by the Mormon Church that the law has been or is invoked against. The Mormon Church as a religious factor is, under the law, upon the same footing as every other religious body or denomination in the land, with equal rights and privileges—no more, no less—and it should be so left without interference.

I shall not arraign the Mormon people as wanting in comparison with other people in religious devotion, virtue, honesty, sobriety, industry, and the graces and qualities that adorn, beautify, and bless life. Nor will I attempt to detract from the praise or glory that is due, or claimed, for the hardy pioneers who settled and reclaimed this land. Too often, in the past, arguments made upon this line by the defenders of the Mormon system have been made to do duty in concealing and protecting assailable and indefensible positions. Not all the sacrifices of the pioneers, had they been more glorious than history has ever recorded, not all the virtues of the highest Christian civilization, though this people possessed them all, nor the surrender of the whole people to a willing martyrdom, could justify the despotism of the Mormon political system to a people who have known and appreciate the blessings of free government.

Now, after the tribute I make to these people, it is a matter of surprise to Mr. Richards that after I have done so I can not favor statehood, and that I stultify myself by opposing the admission. He thinks because they possess some qualities in common with the balance of the human family, some of the virtues and graces—

Mr. STREUBLE. Or many.

Governor WEST. Or many, that that sanctifies the whole; but I say this is a question political in its nature, and the difference is just where I have stated, and that difference is one that has produced a conflict from the beginning of that organization up to this time, and it is a difference that will continue and must continue until their power obtains in the land—that is, they, the Latter-Day Saints, are to establish the kingdom of God upon this earth, rule it, and all those who do not belong to their order are to be under their control, and that difference will remain until their system triumphs, or until a republican Government is established in Utah, and the American system exists as it is over the balance of the country.

Mr. WILSON. How would you establish it?

Governor WEST. I would establish it by passing laws that the non-Mormon people who have come in contact with the Mormons have been uniformly and universally in favor of and have asked for. That in a Territory of the United States, which was purchased with its blood and treasure, its citizens should be put upon an equal footing. The Mormons went to this country when it was isolated from the balance of the country; they established themselves there and their peculiar system, not being able to live with their neighbors in Illinois, and Missouri, and Ohio, and they had absolute control and power before the railroads were built, and there were but few non-Mormons there. They established their priestly government, which has retarded and crippled the Territory and kept the Gentiles or non-Mormon citizens out, so they have been able to maintain that power.

Mr. WILSON. Let me ask you right there, what is the practical solution of that?

Governor WEST. I am going to give it. I am showing the reasons for it. Give the non-Mormons an equal footing with the Mormons there. How can that be done? We have asked for legislation to take the political power which is exercised by this hierarchy and place it where we may stand upon a secure and even footing. Give us a legislative commission—you can take the franchise away from us, too—but place power in loyal hands, hands that are in sympathy with our institutions of a free government. Place it in the hands of the President of the United States and of the Senate. Let them say who shall rule there; let them give us officers. Understand, we much prefer that the President of the United States and the Senate shall have in their hands and keep the power and give us officers than the president of the Mormon Church and the twelve apostles.

Mr. WILSON. Let me ask another question, because you and I want to get down to business; we want to get at the bottom of this discussion. How long would you have that continued?

Governor WEST. I would have that continued until the results would be accomplished.

Mr. WILSON. What are the results?

Governor WEST. The results are that we will be put upon an equal footing in the Territory of Utah with the Mormons; and, as I stated here yesterday in my remarks, we, the non-Mormons, do not ask for anything more than for you to give us an equal chance with the Mormon

people in that Territory ; and my own idea is—of course I am not gifted with prophecy, although I have come from Utah, the land of revelation and prophecy—my own idea is, that it will bring about the result in five or ten years of putting us in accord with the balance of the country and fitting us for admission as a free State. I believe it will affect the Mormon people in another way—by contact—which will liberalize them. From what I know of the situation previously, we are being liberalized now by the new population coming in.

Mr. WILSON. Do you not see that the new population would come in more readily under a State government than it would under a government that is so uncertain, while the appointment of executive officers and legislation is under the administration of Congress ?

Governor WEST. No, sir ; I think not. On the contrary, I have every reason to believe, because I have had declarations from the citizens who are there, and a great many of them have said, that if statehood was given to Utah they would sell out their possessions and leave.

Mr. WILSON. In point of fact, has not Utah increased in population and wealth more rapidly than Arizona, Idaho, Wyoming, or Nevada ?

Mr. WEST. I can not answer that question yes or no, because my mind has not been directed to it.

Mr. WILSON. Suppose it turns out to be a fact, what would you say in regard to your statement here before the committee ?

Governor WEST. I would say this : I think that Utah is the best Territory in the whole West. I am satisfied that it has advantages of climate and resources greater than any other. And I say if the American political system had obtained in Utah, a free government in fact from the time of its settlement, I believe that to-day, instead of having the population and wealth that we have, we would have three or four times that wealth and population.

Mr. STRUBLE. Is there any proper answer to that question to be based upon the persistent acts and efforts of the Mormon authorities to increase it by direct importation ?

Governor WEST. Of course, that would be one answer that could be given, because their system extends to proselyting all the way through.

Mr. WILSON. Now, governor, you are the governor there. Will you state to the committee approximately how many proselytes, as you call them, have been brought in by the Mormons ?

Governor WEST. I can tell you their foreign immigration exactly since 1881. I will give it to you right here.

The foreign population has been increased since 1880 by Mormon immigration, chiefly English and Scandinavian, as follows :

| | |
|------|-------|
| 1881 | 2,233 |
| 1882 | 2,693 |
| 1883 | 2,462 |
| 1884 | 1,799 |
| 1885 | 1,549 |
| 1886 | 1,544 |
| 1887 | 1,027 |
| 1888 | 1,419 |

14,726

I have no means of knowing the extent of their proselyting in the States, and the number brought in.

Mr. DORSEY. Do all these people remain there in Utah after they come in ?

Governor WEST. I believe the greater part of them do.

Mr. DORSEY. Is it not true that quite a number leave that are dissatisfied with certain things that do not come up to their expectations, and remove from under the influence of the Mormon church?

Governor WEST. That obtains to some extent.

Mr. DORSEY. I know a number of people in my district have left Utah. One of my nearest neighbors who came from Denmark left Utah and came to our town, and is a prosperous citizen.

Mr. WILSON. Your idea, governor, is this: You would put this Territory, with all its advantages and its condition, as you have now detailed and conceded it to be, under a commission?

Governor WEST. I would.

Mr. WILSON. That commission is to be appointed by the President of the United States?

Governor WEST. Yes, sir.

Mr. WILSON. And confirmed by the Senate, and this to continue until the non-Mormon population shall be in excess of the Mormon?

Governor WEST. I do not say that. I say in the contact I think there is some hope and chance of liberalizing the Mormons themselves.

Mr. WILSON. This is to continue, then, until there shall be a majority voting population in that Territory in excess of the Mormons, a majority of non-Mormons; that the non-Mormon sentiment shall be in the majority?

Mr. BASKIN. And the American sentiment take its place.

Governor WEST. Now, what I contend—I will answer that question—it does not follow, as I say, that the non-Mormon population shall necessarily, before a change of condition is had, exceed that of the Mormons; but I will answer your question in this way: It must be until the American idea has obtained possession and control as it has over the balance of the country.

Mr. WILSON. That is to say, you propose now to keep this Territory under the conditions I have intimated until there shall be a change in the public sentiment of the Territory?

Governor WEST. And in the political system and polity prevailing there.

Mr. WILSON. The prevailing public sentiment of that Territory. That is your idea, whether it takes ten years or a hundred, that is your theory?

Governor WEST. Yes, sir; that is just what I have stated in my argument. It is just as if a lot of Chinamen or other foreign people should come here and take possession of that Territory, with ideas entirely distinct and diametrically opposed to ours; and I think they should be kept, as I say, for a hundred or a thousand years, if necessary; because I think the free institutions of a republican government are worth preserving.

Mr. WILSON. Then your illustration classes these people we are talking about with such people as Chinamen?

Governor WEST. No, sir; I do not make the illustration in that way. It is simply a comparison. It was accidental, using Chinese. I might as well have said Frenchman, Englishman, or any other race.

Mr. DUBOIS. I would like to state, so far as Idaho is concerned, that it has increased much more rapidly than Utah. In 1880, as I am informed by Mr. Richards, there were 140,000 people in Utah, and 32,000 in Idaho. We are now more than 100,000 and they are a little more than 200,000 in Utah. We have increased 60,000, while they have increased 60,000.

Mr. WILSON. I would like to ask the governor one further question

You have given now the numbers that were brought into the Territory from year to year. I will ask you to state now to the committee what ratio that bears to the entire increase by immigration.

Governor WEST. Well, sir, I could not answer that question.

Mr. DORSEY. The population of 1880 and the population of 1888.

Governor WEST. Well, I might get at it in that way.

Mr. STRUBLE. That is a matter of not so much material importance.

Mr. WARNER. One matter further, governor; that is a matter in regard to those who have been brought in by the missionaries, or whatever they call the societies who bring immigrants in. I notice the number has diminished from the first number you gave from 2,200, and it ran up to 2,600, and down to 1,500 and 1,027.

Governor WEST. Yes, sir. Now, right in connection with that, too, you must understand this immigration. The objection to it, of course, is the increased power to them, and the objections we are urging against statehood and this immigration is that this immigration is not voluntary, and it is not the coming of families like other immigration from other countries to this. The Church proselyters go over there, and it is one of the tenets of the faith of these people to gather into a community, and Utah is their Mecca. These priests are sent over there and make proselytes and gather their families—they have an organization by which they take care of them, etc. They gather them in companies, under the control of the missionaries, and they are brought like companies of soldiers, transportation procured, etc. Now, you see how this Church system pervades it, and you will see it further as you investigate it.

Mr. CAINE. Will you please tell the committee whether these people went there on their own means, or whether they were furnished with means?

Governor WEST. I know that the Perpetual Immigration-Fund Society was organized for the purpose of aiding immigration. Of course you know, Mr. Caine, that is another matter that you church people do not make public; you do not publish any records, and I can not get them.

Mr. CAINE. You made a statement and said to the committee that these people were brought there and did not come voluntarily in families, as other immigrants do.

Governor WEST. I say they come in ship-loads, and come under the missionaries. That was published in the last——

Mr. STRUBLE. Are they accompanied by one of the missionaries who ship them?

Governor WEST. Not only that, but I saw an announcement in a paper where these people are allotted to different places. One part is allotted to Logan, another to Ogden, and another to Provo, etc.

Mr. CAINE. Will you tell the committee how that allotment is made?

Mr. WEST. No, sir; I state the fact. Is it not a fact?

Mr. CAINE. No, sir; it is not a fact that they are allotted in that way.

Mr. WEST. I say, Mr. Caine——

Mr. CAINE. Allow me, Governor——

Governor WEST. Allow me now. You can not say that it is not so stated in the papers.

Mr. CAINE. Not in the way you state it. Those people come voluntarily, and before starting they secure their tickets to Logan, Ogden, Salt Lake, or Saint George, wherever they wish to settle, or wherever they have friends. The facts are that usually those immigrants who

receive any assistance at all are assisted privately and individually by their friends. There is no immigration fund now.

Mr. STRUBLE. Since when?

Mr. CAINE. For some years.

Governor WEST. Let me ask a question: Did not the marshal take possession of the immigration fund property?

Mr. CAINE. Yes, sir; but will you tell the committee what he found?

Governor WEST. Did he not find \$400,000 or \$500,000 worth of notes given by these people.

Mr. CAINE. Yes; but they were generally not worth the paper upon which they were written. Those notes were given in the early days, when the emigration fund was in operation.

Mr. WARNER. I do not care anything about the fund. I want to ask this question: Is it a fact your church send out and have parties in Europe soliciting immigration?

Mr. CAINE. No, sir; they go out to preach the Gospel. The governor has stated that one of the tenets of the Mormon Church is that the people shall gather in communities. These people gather voluntarily, and they pay their own emigration expenses, or they are assisted by their friends in Utah. The church has no fund to assist people with. When the property of the Perpetual Emigration Fund Company was taken possession of under the provisions of the Edmunds-Tucker law, the marshal found its assets to consist of \$2.50 in mutilated coin, and a great pile of notes which President John Taylor said the company had not been able to collect, and if the United States collected them it could do more than he had been able to do. They were nearly all barred by the statute of limitation. The Mormons go to Utah voluntarily, and the reason they are announced as going to particular places is that they go where their friends are located and where probably a portion of their families have already settled.

Governor WEST. I stated the facts as I found them to be true. Any statement which Mr. Caine wishes to explain, I have no objection whatever. I do not want to create any wrong impression, but if I know anything, I wish to candidly state it in regard to either side.

In the Mormon polity established and governing the people of this Territory since its settlement, the unity of the church and state is perfect and indissoluble. It is based upon the complete and absolute control of a priesthood—wielding a supreme power, exercised and yielded to as emanating immediately from God—in all things secular as well as spiritual. The word of this priesthood is to the Mormon people the command of God, not only in matters of faith and morals, but in all civil, political, and commercial affairs. This priesthood not only rules the church but governs the state.

A complete and comprehensive system of laws, rules, and regulations, with all needed agents and officers, is provided to direct and prescribe, not alone the spiritual life and moral actions of the Mormon people but to control them in all their various avocations, public and private.

Now, a question was asked one of the gentlemen who preceded me in argument when he was reading as to the claims of this church as an established incorporation, wherein it differed in its claims from the claims of a Catholic, a Presbyterian, or other churches. The difference is very easily defined. It is perfectly patent. I know of no church—take the Catholic church, whose head is claimed to be infallible. He is infallible, how? In faith and morals alone. So it is with every other church. They claim the right, of course, to direct their society in faith and morals, but it ends right there, and ends where it ought to and

should, because to continue it further is to establish a different policy than that we have established in the Government of this country.

It is passing strange, yet true, that in this land of liberty and free government, for forty years a power more absolute and despotic than any other known to civilization has held sway and dominion over a people whose birthright is freedom; that here we have had, as it is nowhere else in our land, a union of church and state, the latter subordinate to the former.

And that is the thing, gentlemen, if you travel in the West you will find has driven many a person from settling in Utah. They have gone there and they have been charmed with its climate; they have been pleased with the resources and were seeking homes; but they have turned away from there because, while probably they could not answer and tell you the intricacies of this system, and how it bears upon them, they would tell you that they could feel it in the very air and they knew it was there, and their American spirits rebelled against it.

This power has demanded and received tribute from high and low, rich and poor. Every business, trade, industrial pursuit, and profession has and must contribute to it. It has exacted from the Mormon people, by way of tithing, millions of money.

Now, Mr. Richards made the point there that nobody is asked to contribute to the Mormon Church in the way of tithes; that there is no such system there. On the contrary, and right in that connection, I will show you later when I explain what really amounts to a misrepresentation of the facts. When you get down to it, I will show you that if they are not contributing directly, that in the very matter of Zion's Co-operative Institution, if they are Gentile stockholders in it, Gentiles are contributing tithings to the Mormon Church. That I will show you later. Its tithing yards and houses are great marts of trade, where the church as an organization is the head and proprietor, and where its faithful servants in charge find place, employment, and emolument. It has engaged in many, if not all, secular employments and business; constructed and operated gas-works, street railroads, telegraph lines, built and conducted a theater as a public place for profit, engaged in merchandising, owned farming lands and coal mines, horses, cattle, and sheep, conducted on an extensive scale farming and stock-raising, and I could add to that chickens and geese. and all the other products, and that their claim is to the earth and the fullness thereof.

Where it does not engage immediately in business and trade, it lends its power and influence to its leaders and faithful followers in co operative institutions which it promotes.

By way of illustration, the Zion's Co-operative Mercantile Institution is a mammoth manufacturing and mercantile corporation, with its principal houses located at the capital and branch houses scattered throughout the Territory. Its head is the president or presiding officer of the church. Its articles of incorporation provide, as a condition to become a stockholder, membership in the Church of Jesus Christ of Latter-Day Saints; its business houses decorated with an all-seeing eye and inscribed with the motto, "Holiness to the Lord" It is generally true, and if any exist the exceptions are very rare, that only the faithful to the church, or those not of the faith who are willing to serve the interests of the church, are given place and employment in all the various enterprises and business of the community conducted and controlled by the Mormons. No matter what the capability and merit of a non-Mormon who will not serve the church interest, no door of employment or advancement is open to him by the Mormons. To an extent truly

surprising their dealing in business affairs is with and among themselves, emphasizing forcibly the truth of the designation that they have applied to those not of the faith that they are "outsiders."

Now, Mr. Richards says in regard to that:

The governor joins in this false and foolish cry of a union of church and state, and officially makes a number of assertions, but offers not a particle of proof. The only fact he cites to show that the church exercises ecclesiastical influence in secular affairs is no evidence of the church absolutism in politics which he charges, and is itself so palpably incorrect that its utterance is almost unpardonable in a public officer. He states that the articles of incorporation of Zion's Co-operative Merchantile Institution "provide, as a condition to become a stockholder, membership in the Church of Jesus Christ of Latter-Day Saints." There is no such provision, the articles themselves being the witness, and it is well known that prominent Gentiles residing in Salt Lake City were, at the time the governor made this report to the Secretary of the Interior, stockholders in that institution.

Now, gentlemen, that is a broad denial; but you will find that my statement, in effect, is entirely correct. The purpose and object for which I am quoting Mr. Richards here will be shown clearly and conclusively, that he makes all this to-do and attempts to make a false impression by a quibble upon a single word. Now as to Zion's Co-operative Institution, the fact and purpose of that—I read, gentlemen—

Mr. BAKER. You have been reading heretofore from your last annual report?

Governor WEST. Yes, sir. Now I read from the "Life of Brigham Young, or Utah and her Founders," by Edward W. Tullidge. I will show the animus of this institution.

Mr. BASKIN. State that this is the book that was printed—

Governor WEST. This is not the one. It is another book. I am going to read from this. This is the preface of this work:

That the matters embodied in the chapters of this book are eminently worthy of an enduring record will, I think, be cheerfully conceded. Of myself, let me say in the manner in which I have handled the subject betrays my love for the Mormon people, I confess it. But it must not be forgotten that I have been for many years an apostate, and can not be justly charged with the spirit of propagandism. Rather have I striven to treat the subject with an artist's fidelity, and with the earnestness of unconcern.

Furthermore, this writer, subsequent to this, was employed by the city council of the city of Salt Lake to write a history under their supervision. I have this history prepared by Mr. Tullidge under the supervision of the Mormon Church here.

Mr. RICHARDS. Not of the Mormon Church; of the city council.

Governor WEST. That is just like the slip in the other word—it is a *lapsus linguae*.

Mr. RICHARDS. You will excuse me for calling your attention to it.

Governor WEST. Certainly, Mr. Richards, I am obliged to you. I will show you that subsequently Mr. Thomas G. Webber had information in his possession, and was probably the only one who had it; and Mr. Tullidge put it in his history, and he is the very man whose affidavit was brought here and read by Mr. Richards.

Mr. RICHARDS. Do you deny the truth of the affidavit of Mr. Webber?

Governor WEST. You just wait until I get to that point, and you will see what I do deny and what I say. Don't be in a hurry. Now, in this history it states:

In the altered state of things that quickly ensued, Brigham Young met all the conditions. Indeed, so rapid and varied were his transformations during the next few years that he may have often seemed to have been reversing himself and his policies. The fact is, he was testing his problems; now in his movements advancing, now re-

treating; now urging his social ideas with all the might of his matchless will, now accepting with resignation the degree of progress attained by the people. This has been strikingly illustrated in his efforts to transform the Mormons into a great co-operative community and to establish "in Zion" the Order of Enoch. Thus aiming to create a superior kind of isolation, keeping God and the devil apart as of old, and Zion still Zion in the very presence of the Gentiles.

This order is a communistic order, a revelation which is in line with the tithings system, as I will show when I get to it, as I wish to say something in regard to tithing and in regard to what Mr. Richards said about the tithings institutions. It is, that they were to give up all the property into the hands of the priesthood; that they should give up the whole surplus to the priesthood for the establishment of Zion, and that thereafter a tithing amounting to one-tenth of their increase. This is the Order of Enoch. This historian says that it signified to the Mormon understanding that such a perfect communistic system existed in the earliest patriarchal age among Enoch and his people. Early in 1868 the merchants were startled by the announcement that "it was advisable that the people of Utah should become their own merchants," and for this purpose an organization should be created for them expressly for importing and distributing merchandise on a comprehensive plan. When it was asked of President Young, "What do you think the merchants will do in this matter; will they fall in with this co-operative idea?" he answered, "I do not know; but if they do not we shall leave them out in the cold, the same as the Gentiles, and their goods shall rot upon their shelves."

Not only that was the case, gentlemen, but with this thing staring them in the face the non-Mormon merchants of Salt Lake City made a proposition to sell their goods at 25 per cent. less than cost to Brigham Young. He declined to take them and said he did not invite them to come there, and he did not care whether they staid or went away. He had them in his power.

Mr. RICHARDS. I deny that any such proposition was made to Brigham Young.

Governor WEST. Mr. Richards, I have not your powers of denial; but it is so, as I understand.

Mr. WARNER. Were you conversant with the affairs at that time, Mr. Richards?

Mr. RICHARDS. I was there and knew Brigham Young very well.

Governor WEST. Were you there when Mr. Brigham Young made this remark?

Mr. RICHARDS. I do not believe Brigham Young made that remark.

Governor WEST. You deny—

Mr. RICHARDS. I deny that Gentile merchants offered their goods to Brigham Young for one-fourth their value, and that he declined to take them.

Governor WEST. I did not say one-fourth of their value.

Mr. WARNER. Governor West said for 25 per cent. less than cost.

Mr. RICHARDS. Well, for 25 per cent. less than cost.

The CHAIRMAN. Let the governor proceed, gentlemen.

Mr. MCBRIDE. I have heard the merchants frequently remark about having made the offer.

Governor WEST. I think you can find it right here in this history.

The CHAIRMAN. Let the governor proceed, gentlemen.

Mr. BAKER. Mr. Richards, I take it your denial must be upon information and belief.

Mr. RICHARDS. Yes, sir; it is upon a general knowledge of the situation at that time. Of course, I can not be positive about it.

Mr. SYMES. I raise the point of order that if we have these side discussions we will never get through. It seems to me when one gentleman states a fact and the other denies it that should be sufficient, and there should be no further discussion on that point.

Governor WEST (reading):

But, aside from its commercial success, President Young has seen in it the stepping-stone to the establishment of other principles of social and political economy. He, with the fire and fervor of a prophetic impulse, knows and tells of the Order of Zion, to which all the leading movements inaugurated by him tend. His unflinching persistency is bound to tell and the future will surely witness the fruition of the other and grander desires in behalf of his people that have moved the heart and purpose of this great and remarkable man.

But the merchant class, both Mormon and Gentile, were opposed to the grand co-operative movement of President Young. This was a matter of course. Moneyed men and monopolists all the world over will ever be opposed to the co operation of the people to the establishment of anything like a Christian communism. Yet the New Testament examples show that communism "in all things" is the very basis of a true Christianity, and it is also the crowning aim of Mormonism, which keeps strictly to the old and new examples of the Bible. Hence, polygamy; hence, too, President Young's desire to establish, before his death, a grand communistic church after the "order of Enoch."

The Mormons have it in their power to found the most successful commonwealth the world has ever seen.

That is the point they were and are striving for.

Quoting from Mr. T. B. H. Stenhouse's Rocky Mountain Saints, our author states as follows:

With such a feeling of uneasiness nearly all the non-Mormon merchants joined in a letter to Brigham Young, offering, if the church would purchase their goods at 25 per cent. less than their valuation, they would leave the Territory. Brigham Young answered cavalierly that he had not asked them to come into the Territory, did not ask them to leave it, and that they might stay as long as they pleased. It was clear that Brigham felt himself master of the situation, and the merchants had to bide their time and wait the coming change that was anticipated by the completion of the Pacific Railroad.

Now, this is a quotation from Mr. Stenhouse and embodied in this history.

Mr. RICHARDS. I deny the authenticity of Mr. Stenhouse's writings. They are not reliable.

Now, then, to show you further in regard to this matter, we will come to this. Now I quote from history of Salt Lake City. Mr. Richards has just made a denial, which you have heard. I quote from this history that was prepared by Mr. Tullidge, of these people, under the supervision of the city council, composed of Mormons, and upon that subject let us see what he says.

Mr. BASKIN. Allow me to say this and fix the authenticity of that book. The city council appointed a committee to revise that book.

Governor WEST. Yes, sir. "By authority of the city council and under the supervision of its committee on revision." That committee was composed of Mr. John R. Winder, chairman, and Mr. Jouasson, R. T. Burton, George Reynolds, and George A. Meears.

Mr. CAINE. Tullidge's history was revised by that committee and two of them were Gentiles, but they did not supervise the writings of Mr. Stenhouse nor vouch for their accuracy. Do you not know, governor, that two of the committee were Gentiles?

Governor WEST. No, sir; I do not know it to be true.

Mr. CAINE. Mr. Jouasson and Mr. Meears.

Governor WEST. No, sir; I do not know them.

Mr. CAINE. Do you not know Mr. George A. Meears?

Governor WEST. No; I know there is a man by that name, but I do not know him.

The CHAIRMAN. I hope the governor will be permitted to proceed without delay.

Mr. CAINE. If the governor will permit me, I will state to the committee that two of those gentlemen were not Mormons.

Mr. BASKIN. What two?

Mr. CAINE. Mr. Jonasson and Mr. Meears.

Mr. STRUBLE. The other three were Mormons.

Mr. CAINE. Who were the other three? Wiuder, Burton, and Reynolds?

Governor WEST. Yes, sir.

Mr. CAINE. They were Mormons.

Governor WEST. Now, here is the authority and here I give the views of the historian in regard to it:

Here is at once described the Gentile and apostate view of the situation of those times, and, confined as it is to the salient points, no lengthy special argument in favor of President Young's policy could more clearly justify his mercantile co-operative movement. It was the moment of life or death to the temporal power of the church. When it be also considered that the organization of the Zion's Co-operative Mercantile Institution not only preserved this power in the hands of the community but that it redeemed the Territory from this irritating commercial conflict, it is evident that the scheme was both potent and wise. The historian has nothing to do with the argument of the conflict at issue in any of its forms, but simply with the fact of its existence and the necessities of the Mormon community at that time. The point that stands boldly out in the period under review is, that the organization of Zion's Co-operative Mercantile Institution at that crisis saved the temporal supremacy of the Mormon commonwealth.

This is what they proposed to do with the people in a civilized community by taking the whole power, commercial and political, into their hands to have nothing but unity. I think with a union so obtained that commercial and political death must inevitably ensue. Now, further. The historian says:

Thus, socially considered, we may form a pretty lucid and comprehensive idea of what Enoch's walking with God in the early age of the world signified, and from the revelations given by the prophet Joseph historically of Enoch and his people, it appears that their supreme social boast was that there were no poor in Zion. Such a Zion was to be established in the last day; and in the consummation of a social system which would truly and most perfectly realize Zion according to the conception of the prophet Joseph, was the grand socialistic aim of the Mormon mission. Co-operation is as much a cardinal and essential doctrine of the Mormon Church as baptism for the remission of sins, and every Mormon elder who understands the philosophy of his own system could affirm that without co-operation society can not be saved.

Now, that is their political and commercial system, just as I have stated it, and they leave the others out in the cold with their goods to rot upon the shelves.

Now, there is another admission in here. When Brigham Young was asked could they do this, he said, "Go to work and do it, and I will show you how."

Mr. MANSUR. Is this book in the Congressional Library?

Governor WEST. No, sir; I asked for it, but could not get it, and I had to go to a second-hand store here, where I bought it.

Mr. CAINE. If you had asked me, governor, I would have furnished you with it. I distributed about a hundred copies to leading Congressmen two years ago.

Mr. BAKER. Of this book?

Mr. CAINE. Yes, sir.

Governor WEST. This book—the Life of Brigham Young—belongs to the Congressional Library.

Mr. WARNER. Perhaps there are no leading Congressmen on this committee. Mr. Chairman, did you receive any?

The CHAIRMAN. I think I got a copy.

Governor WEST (reading):

To some minds these sententions answers of Brigham Young will be merely illustrations of a despotic resolve to force into existence a mercantile co-operation by the power which he held over the Latter-Day Saints in all the world. That universal dominance of the head of the church is admitted.

Now, gentlemen, I come to the matter in regard to the organization of the Zion's Co-operative Institution. I will read from that. Now, it was charged that that institution was founded by the church and that its members were required to be members of the Church of Jesus Christ of Latter-Day Saints; and it goes even farther than I have stated, as they must also be tithe-payers. Mr. Richards contends that no law places the obligation of tithing upon their people now, and he so argued before the Senate committee. But the articles of association of Zion's Co-operative Mercantile Institution require of its members not only membership in the Church of Jesus Christ of Latter-Day Saints, but that they shall pay tithing to said church. This commercial institution of these people was organized in the winter of 1868. You will remember we had some colloquy when Mr. Richards spoke, and, while he has been very ready with denials, he could not, in answer to my question, give you the fact that this institution was established and doing business before it was incorporated under the statutes. Well, although I was not born in Salt Lake City I know it was organized before it was incorporated.

Mr. RICHARDS. Did the statement in your report refer to the first organization of this institution? Did you not say in the report that the "articles of incorporation" contained the provision which I proved by the affidavit of Mr. Webber was not in the articles?

Governor WEST. No, sir; I claimed that the institution was established in business before its incorporation.

Mr. RICHARDS. Does not your report say that that provision is in the articles of incorporation?

Governor WEST. You make a quibble on the "articles of incorporation." I may say you quibble upon the single word "incorporation." I am going to show that the nature of this organization is simply as stated in my report, and more is required of its membership than I claimed, and that it will be perfectly clear and open to everybody that this church organization does dominate the commercial and civil organization.

This commercial institution was organized, as already stated, in the winter of 1868. They commenced business in March, 1869, and was incorporated December 1, 1870, upon an act passed by the Utah legislature, which was approved by the governor February, 1870.

Now, gentlemen, you can find out right here how it is that this community is a separate and distinct people. They are the Saints of Zion, and the Gentiles are the outsiders. You can find why it is that the Territory, with its resources and advantages, has not grown more in population and wealth, as Idaho has; how these people treat strangers, and how strangers are met. Gentlemen, if you want to make a home there you are strangers to those people in a country which was bought with the blood and treasure of the people.

I stated that the articles of incorporation of Zion's Co-operative Institution required of its stockholders membership in the church. I have here the articles of its foundation, the constitution adopted. Now, I use the word "incorporation" rather than the words "articles of associa-

tion" in my report. Now, here are the articles of association, section 20 of which provides—

No person or persons shall be eligible for membership except they be of good moral character and have paid their tithing according to the rules of the Church of Jesus Christ of Latter-Day Saints.

Of course any lawyer they had submitted that matter to would have told them that such a condition as this would not be a valid or a good one. The inhibitive provision they have inserted here would not stand in law, and I suppose if they had submitted the article to their attorney he would have advised them so.

Mr. BARNES. You mean in regard to the limitation.

Governor WEST. Yes, sir; I think it would not. Section 20:

No person or persons shall be eligible for membership except they be of good moral character and have paid their tithing according to the rules of the Church of Jesus Christ of Latter-Day Saints.

Now, if that is not as strong as the provision can be made I do not know how to improve upon it.

Mr. WARNER. Why would that be a restriction of trade? Would not that be perfectly proper?

Governor WEST. For a business corporation, no, sir; I do not think they could make such a provision as that. Now, there is another quibble; they say here are some stockholders who are Gentiles. How could they be stockholders if that provision was good and binding in law? How did they come to be stockholders? They were not originally, and they bought stock.

Mr. WARNER. I understand this association to mean that they say men shall be only eligible to this association who are members of their church.

Governor WEST. I do not think in law they can require that. Could they, Judge Wilson?

Mr. WILSON. There would be no question of it standing in law. Do you suppose I could not agree with some person, say a partner of mine—

Governor WEST. But when you come to property you can not attach a limitation to its alienation and restrict its ownership to a certain class. I am truly of opinion that such a proposition would be void, because of the limitation or restriction on trade.

Mr. WILSON. This was nothing but a partnership.

Governor WEST. I beg your pardon. Otherwise, if I, a Mormon, own to day \$1,000 worth of stock of the Zion's Co-operative Mercantile Institution, it could not be sold for my debt and purchased by a Gentile.

General WARNER. If he is not a member of the church; if he was not a member of the Church of Jesus Christ of Latter-Day Saints.

Governor WEST. Furthermore, section 21 provides:

"The directors of this institution shall tithe its net profits prior to any declaration of dividend according to the rules of the church mentioned in the preceding section."

Therefore if these gentlemen are stockholders in this institution and were stockholders in the early history, then the Gentiles pay tithing. Now these gentlemen, liberal with denials, might come and say that we deny that. Now, how is that, gentlemen?

Mr. RICHARDS. The articles of incorporation are before the committee and speak for themselves. They show whether or not your statements are correct. They contain no such provision as you claim, either as to membership in the church or tithing, nor any provision in any way relating to either of these subjects.

Governor WEST. What is the rule to-day, now, whether they tithe or not?

The CHAIRMAN. That is a matter of construction.

Governor WEST. No, sir; it is a matter of fact, Mr. Chairman.

Mr. STRUBLE. The question was for information and directed to Mr. Richards.

Mr. WILSON. I suggest that if Governor West has information he would give it.

Governor WEST. I am going to now. Now I think he (Mr. Richards) was asked the other day whether the originators of this were all Mormons. So far as I know all the names seem Mormon. Now here is another change in the articles of association:

"The original makes the covenant perpetual," while the terms of incorporation of the said institution is for the duration of twenty-five years.

Mr. MANSUR. The original association?

Governor WEST. Yes, sir. Now I read this:

The following apostolic circular revealing the financial affairs of the institution, to date July 1875, is itself a chapter of history.

I think it is, gentlemen. If you read it and see what they say here and how they eulogize the old Jewish theocracy, you will see how it is they have established and maintained one as potent.

Mr. STRUBLE. What is the real point in the circular?

Governor WEST. I am going to show it this minute. I will not read it all, because it will take too long.

Mr. WARNER. Let me make a suggestion here. It will be well to put in the page of this book and the title as a matter of reference, as members may want to look at it.

Governor WEST. Yes, sir; it is page 728, History Salt Lake City, by Edward W. Tullidge. Now I have talked of the order of Enoch. I do not think the gentlemen will deny this document, because this is an apostolic circular signed, among others, by Apostle Richards, the father of Mr. Richards. This circular says:

Then it was that the saints were counseled to enter into co-operation. In the absence of the necessary faith to enter upon a more perfect order revealed by the Lord unto the church, this was felt to be the best means of drawing us together and making us one.

Mr. Richards, in his argument before the Senate Committee, being asked upon the question of tithing, said that it was a revelation given for Zion in Missouri.

Mr. RICHARDS. The revelation shows that to be the fact.

Governor WEST. Gentlemen, this circular gives much matter of interest, but I will not read, on account of time. In regard to the profits of this institution, it states, taking the case of a shareholder.

Thus making the actual profits \$1,995.50, or within a fraction (\$4.50) of 200 per cent. upon the original investment, and still have had his \$1,000 left intact. The institution declared as dividends and reserves, added to the capital stock, and tithing during those four and a half years, upwards of half a million dollars.

Now, there is the apostolic circular which says this institution was tithed and that it paid dividends, reserves, and tithings upwards of a half million dollars. But again, I read from this circular:

It was not for the purpose alone, however, of making money, of declaring large dividends, that Zion's Co-operative Mercantile Institution was established. A higher object than this prompted its organization. A union of interests was sought to be attained. At the time co-operation was entered upon the Latter-Day Saints were acting in utter disregard of the principles of self preservation.

That circular was signed, "Your brethren, Brigham Young, George A. Smith, Daniel H. Wells, John Taylor, Wilford Woodruff, Orson Hyde, Orson Pratt, Charles C. Rich, Lorenzo Snow, and Erastus Snow, Franklin D. Richards, George Buchanan, Brigham Young, jr., and Albert Carrington."

Mr. WILSON. What is the date of that circular?

Governor WEST. It is dated July 10, 1875.

Mr. WILSON. Was that before or after the incorporation of Zion's Co-operative Institution?

Governor WEST. It was after; it was incorporated in 1870. So you see even after the act of incorporation, while it was incorporated under the law, tithing was exacted and paid. Mr. Richards would have you believe tithing is a law of the past, and that as to Gentiles, his church does not even pass around the plate. I want to give this information because it was denied by Mr. Richards that any such qualification as I named was required of the members of this institution, because I had used inadvertently the word incorporation instead of association, and also as an illustration of church control in commercial affairs.

Now, gentlemen, I have taken up more of your time than I intended to do and I will come to a close now. There are many matters to claim your attention if you would fully comprehend the situation. It is not one question or isolated fact but, it is the whole thing.

Mr. STRUBLE. I wish to ask one question before you close on this one point. You made a statement awhile ago which struck me as being a startling one. In speaking about the allegiance of these Mormon people you expressed the opinion that if there was a revelation direct to sacrifice their first-born male child, these people would recognize that as the voice of God and obey it.

Governor WEST. Yes, sir. The reason of that is the fact that they consider that they are the chosen people of God and governed and directed by God, not only by His word already revealed, but they are a people governed by God immediately and to whom He makes revelations in these latter days.

Mr. STRUBLE. One more question. I have heard and read they have a doctrine called the blood atonement. Is there any relation in your mind between it and that of the idea that they would recognize it?

Governor WEST. No, sir; the suggestion of the idea is in the offering of Abraham. I get it from that rather than from the blood atonement.

Mr. STRUBLE. I mean their idea upon the subject of blood atonement, the idea of its being given by God.

Governor WEST. I have heard that doctrine advanced, but have had no disposition to discuss the religious phase of this matter, except as affecting civil affairs.

The CHAIRMAN. Is it your opinion that the Mormons would observe such a revelation, which, if it was observed, would make each person guilty of murder?

Governor WEST. I think if they had a revelation they would certainly, if the revelation commanded it, and that they are sincere in what they teach, which I do not doubt.

The CHAIRMAN. That would soon exterminate the whole country; if the first born was killed there would be none left, and the father of the first-born, if he were killed—

Mr. WARNER. Not the father; the first born.

The CHAIRMAN. If the father killed his son he would be punished for murder, and then the race would run out.

Mr. TAULBEE. Just one question. Do you wish it to be understood

as expressing your belief that the regard of consequences has nothing to do with their practice of the tenets of this revelation. In other words, that they would as readily commit murder as practice polygamy.

Governor WEST. It would not be so pleasant and gratifying. Still, under their system and teaching, they would consider it just as binding. Of course, it would not be so pleasant and gratifying as the other, but I should think they would do it.

Now, gentlemen, as I was going to say, I must apologize for detaining you so long, but I wanted to give you all the information that I possibly could. I am here to oppose statehood, because of the fact that I believe, as I have tried to show you, that conditions prevail in Utah that do not exist elsewhere in our country; that are inconsistent with a free republican government; conditions that separate them from their non-Mormon fellow-citizens throughout the country, and make them a peculiar and distinct people.

Now, gentlemen, these same conditions brought them in conflict with the people in every community in which they have lived since they have had an organization. Witness their history in Ohio, Missouri, and Illinois. In fact, they went to Utah because of the antagonisms which they had provoked. From the time of the organization of the Territory until now this conflict has been waged, and still continues. And the Mormon people have ever looked with jealous eyes upon all "outsiders," as they denominate all not of their faith. They have been constantly in opposition to and in conflict with all Federal officials not in accord with them. Now they talk much about peace, quiet, and order and the record they have made. Well, there is a record. I have not time to dwell upon it, but commend it to you.

Mr. Caine refers to the death of Judge Drummond, one of the early judges, in a groggery in Chicago. I do not propose to go into his history or defend him. I will only say that many a good man has had his weakness. And if we would but take the character of Federal officials who have served in Utah from Mormon representations, their uniform unworthiness is truly astonishing. It might also be matter of surprise to the disinterested spectator that the Mormon people, as they are described by their advocates, with all the virtues, and not a single vice but polygamy, should have in any way incurred the displeasure of the Government, so that an army of the United States should be sent against them, while they stood ready with arms in their hands to meet it. I do not propose to discuss the Utah war and Johnson's army; I merely mention it.

I wish to say to you, gentlemen, as to the admission of Utah, all parties in Utah, Democratic and Republican, all work together and are united in heart and soul against its admission. Not only that, but the attention of the whole country has been attracted to this question, and investigation of it has been made, and I believe the opinion of almost the entire country is against it. I trust that this committee will reach a unanimous conclusion against admission, thus serving notice upon this people that they must learn and become republican.

Mr. WILSON. You mean Democratic?

Governor WEST. No; Republican, in its proper sense. And I wish to warn the Democrats—gentlemen of my political faith—that the Democrats of Utah and adjoining Western Territories do not want to make any Mormon States. While opposing this movement for statehood, we are not different from our brethren in other States and Territories; we have the same aspirations for freedom and local self-government, and the same desire for the glory and honor of statehood.

Could we come into the Union as a free State, upon an equal footing with other States, equal chances for every citizen, we would want it, we would be anxious for it. On the other hand, we do not wish to be placed in a position that we may be compelled to leave the Territory. Therefore take the non Mormons as witnesses, place them upon the stand, and they will tell you Utah ought not to be admitted.

Why are we opposed to it? Pause here and think, gentlemen, must there not be something peculiar in the system and surroundings that arm all these people against statehood though they have all the aspirations and desire for the glory and power of a State government that could animate any people? Look again, gentlemen, and see the unusual spectacle of a sister Territory, aspiring herself to statehood, protesting through her representatives in the legislature and by her Delegate in Congress against granting this boon. There must be some cause, some reason, for all this. Are all these people intolerant, wicked, prejudiced people who make war upon a people because of a religious belief? Are all the judges and Federal officials who have been sent among this people a set of bigoted, intolerant fanatics who take a delight in hounding, persecuting, and depriving them of their rights? These officers must have had some character in the communities in which they lived. They all could not have been intolerant bigots.

I say, Mr. Chairman and gentlemen of the committee, there is nothing in the clear, bright, exhilarating air of Utah to work such a change in character and encourage and develop such sentiments.

Now, with all the facts before you, gentlemen of the committee, what ought to be your conclusion? I stand here as a witness. I make no statement to you but what I believe and would make before my God.

Mr. CAINE. Before you conclude, governor, I would like to ask you a question. You say that the church built a theater for amusement and profit.

Governor WEST. Yes, sir.

Mr. CAINE. Are you sure of that?

Governor WEST. I am sure of this, Mr. Caine. I know that the theater was built in Brigham Young's time. I know that when the church put away its property out of its hands the stock of that theater was distributed around among certain gentlemen. I have been so informed and it is a matter of public notoriety there.

Mr. CAINE. I would like to make a statement about the theater matter—it will take scarcely a minute—so there may be no misunderstanding in the minds of the committee. The theater at Salt Lake City was built by Brigham Young as a private enterprise, not for profit, but with a view of furnishing healthy amusement to the people in that early time. I was cognizant of the fact. I know all about it. After his death, in settling up his estate and making a distribution and segregation of his private property from the property he held in trust, this theater went over to the church. It has never been run as a matter of profit; it never has paid \$1 in dividends upon the money invested in it. It was simply to furnish amusement for the young people; for Brigham Young believed the people should have amusement, and that it was better to give them a good quality than to let them seek it of a poorer quality elsewhere. This is a matter of personal knowledge, because I managed that theater for years.

A MEMBER. Was the management really a church management after Brigham Young's death?

Mr. CAINE. No, sir; it was not.

Mr. McBRIDE. I was an attorney against Brigham Young's trustees,

and is it not a fact that the trustees of his estate deeded that property to the church as church property?

Mr. CAINE. I have stated that it came to the church in the settlement of Brigham Young's estate.

Mr. McBRIDE. Did not the church claim it by an action?

Mr. CAINE. No, sir; it went over to the trustees of the church in a settlement of the estate.

Governor WEST. There is another matter I want to present, which this has called to mind. Now, in regard to this gas stock, he admits that one-third of that stock was gotten by the church by donation and otherwise. Now at the time, I am credibly informed by the people there, this Mr. Eilerback was a member of the church and a clerk at Brigham Young's office. Here is evidence of this being church property. I tell you there are a great many of these things we do not have records of. I know in regard to that gas stock, for some had been transferred to them before suit was brought—

Mr. CAINE. The trouble with these gentlemen's statements is that everything in Utah is attributed to the church. No prominent Mormon can engage in any business enterprise but it is charged by the Gentiles that it is being run by the church.

Governor WEST. There is another question I wish to say something about. The first annual report of the school commissioner gives information of interest in regard to the public schools, and I wish to make it a part of my remarks.

ANNUAL REPORT OF THE COMMISSIONER OF SCHOOLS FOR UTAH TERRITORY, 1888.

To CONGRESS:

In accordance with law, I submit the first annual report of the schools of Utah Territory.

The first enactment of the legislature of Utah on the subject of a public-school system was approved February 18, 1876. It provided for the organization of school districts by the county courts in the several counties of the Territory, for the election of three trustees in each district, prescribed their duties, and defined their powers. They were authorized, amongst other things, to assess and collect an annual tax of one-fourth of 1 per cent. on all taxable property within their districts for school purposes. When more than that amount was required "to purchase, build, repair, or furnish school-houses, or for other school purposes," it was fixed by a two-thirds majority vote of the qualified voters resident in the district, present at a meeting called for that purpose.

This act also provided for the election of a Territorial superintendent of district schools, and for a county superintendent of schools in each county of the Territory. It was further provided that all schools organized under the direction of the trustees in the respective school districts of the Territory should be known in law by the name and title of district schools.

The earliest enactment of the Territory providing any certain or general support for schools by taxation was contained in the revenue law, approved February 22, 1878, which provided that there should be "collected annually, beginning with the year 1878, an ad valorem tax on all the taxable property in the Territory of Utah * * * 3 mills on the dollar for the benefit of district schools."

And two years later, by the act approved February 20, 1880, it was

enacted that the moneys accruing for the benefit of district schools, under the provisions of the act of 1878, should be disbursed on orders drawn by the Territorial superintendent of district schools in favor of the Territorial treasurer of each county according to school population, and should be paid to the trustees by the Territorial treasurer on the orders of the county superintendents; and said moneys should be used in paying school teachers during the year following the one in which it was assessed and collected.

The act of 1880 was the first to provide for taking an annual census of the children resident in the several school districts between six and eighteen years, which was made the school age.

Since the act of 1880, there has been no material change in the legislation of the Territory upon the subject of schools, and none whatever with reference to the further support thereof by taxation.

The school law of the Territory, as it exists at present, and which is the same substantially as the act of February 20, 1880, is herewith submitted in connection with the biennial report of the commissioner of schools for the years 1886-87, to the twenty-eighth session of the legislative assembly of the Territory, which began January 9, 1888.

In the practical operations of this law, it is found that the 3-mill tax provided by the act of 1878, and annually collected and distributed to the several counties and districts of the Territory in proportion to the school population thereof, as shown by the last preceding annual census, is scarce enough to pay one-half of the compensation of the teachers hitherto employed; so that it has been necessary, and the almost uniform usage up to the present time, to collect each term a tuition fee for each of the pupils in attendance at the school, which was fixed in the respective districts by the trustees, and graduated in amount according to the estimated balance required in addition to the public fund for the payment of the teachers.

Within the last two years efforts have been made in a very few districts—and successful in a still smaller number, perhaps not exceeding eight or ten in the Territory—to levy a local district tax sufficient to supplement the Territorial fund applicable to the payment of teachers, and thus maintain a free school.

There is no provision in the school law requiring schools to be kept for any specified time during the year, or providing any penalty, in the way of withholding any portion of the school fund to which a district may be entitled, in consequence of a failure to provide a school; but the whole subject of providing school-houses and furnishings, and maintaining schools, is entirely within the pleasure of each district. The partial support provided by the Territorial law has a tendency to encourage the maintenance of schools, and yet the inadequacy of this fund, necessitating as it does the collection also of a tuition fee, operates to keep many children of the poorer classes of the population at home, when they would otherwise be attending school.

While thus the Territory has accepted, to a limited extent, the theory of taxation for the benefit of a general system of schools, it has failed to carry out the theory to its legitimate results, by providing adequate means to support a system of free schools.

At the twenty-eighth session of the legislature, held in the early part of the present year, a bill was framed and passed the lower house of the assembly, which contained generally the provisions embodied in the more recent legislation of those States and Territories which have established and are maintaining a system of public schools, to which all the children between prescribed ages are entitled to attend free of charge. But, upon presentation in the legislative council, a substitute

therefor was presented and passed, with little or no discussion, except so far as it was opposed by the two non-Mormon, or Gentile, members of the council; which substitute was, in substance, a re-enactment of the previously existing Territorial law, with the following material differences:

SEC. 13. All schools organized under the direction of the trustees in the respective school districts of this Territory shall be known in law by the name and title of district schools, and all other schools shall be known as private schools. All schools, both district and private, shall be entitled to a just and equitable apportionment of any public school fund arising from the United States, or from legislative enactments of this Territory. Such apportionment shall be made to said schools by the trustees on the basis of actual attendance of pupils and the holding of four terms a year; and all such schools shall receive a distribution of funds in proportion to the number of terms held and the attendance of pupils: *Provided*, That no apportionment of any such public school fund shall be made to any district or private school, unless such school shall hold at least two full terms during the year.

SEC. 14. The board of education, trustees, or other persons having the management and control of any private school in this Territory may receive their proportion of the school funds provided for in this act, by electing or appointing a treasurer for their school and filing a written certificate of such appointment or election with the trustees of the school district in which such school is situated. Before receiving any funds the said treasurer shall enter into bonds, payable to such school district, in double the amount of the probable distribution to be made to such school, to be determined by the trustees of such district, and conditional that he will safely keep such funds and honestly disburse them in the payment of teachers for such school, upon the order of the board of education, trustees, or other persons having the management and control of such school; and said bonds shall be approved by, and filed with, the school trustees.

SEC. 22. The moneys accruing for the benefit of the district schools, under the provisions of section 1 of "An act to provide revenue for the Territory of Utah and the several counties thereof," approved February 22, 1878, shall be disbursed on orders drawn by the commissioner of district schools in favor of the Territorial subtreasurer of each county, according to the school population thereof, and shall be paid to the trustees by the Territorial subtreasurer on the order of the county superintendents. And said moneys shall be used by the trustees in paying the teachers of district and private schools within their respective districts during the year following the one in which it was assessed and collected. No pupil shall derive any benefit from said moneys who is under the age of six years nor over the age of twenty years. The treasurers of the respective counties, upon the receipt of the proportion of school moneys to which their counties are entitled, shall hold the same subject to the orders of the superintendent of district schools thereof; and such moneys shall not be used or disbursed for any other purpose than that for which they were paid in.

SEC. 27. That section 1 of an act providing revenue for the Territory of Utah and the several counties thereof, approved February 20, 1874, be, and it is, amended by striking out the figures "1878," in the fifth line of said section, and substituting in lieu thereof the figures "1888"; and by striking out the words "three mills on the dollar for the benefit of district schools," in the seventh and eighth lines of said section, and substituting in lieu thereof the words "eight mills on the dollar for the benefit of district and private schools."

This substitute, upon being returned to the lower house, was concurred in, without protest or active opposition from any source except the three so called Gentile members of that body. The passage of the original bill in the lower house had been opposed by various members, chiefly on the ground of the increased burdens of taxation it provided for the support of public schools. By the terms of that bill it was provided a maximum of 4 mills on the dollar should be levied, in addition to the existing Territorial tax of 3 mills, and was to be imposed as a county tax, the amount to be fixed each year by the county court, within the maximum, at such estimated amount as would be adequate to supplement the Territorial tax and provide a sufficient amount for the payment of teachers. The substitute, as it passed both houses, provided a general Territorial tax of 8 mills, to be devoted to the support of district and private schools in the proportions named in the sections above quoted.

The result of such a law secured private schools the full benefit of

public taxation enjoyed by the district schools themselves, and at the same time secured their entire freedom and exemption from all kind of public control or supervision, and enabled the person or persons who might be in charge of any such private school to apply for and obtain their pro rata of the public funds.

The enactment met with the fate that it merited, and which was apparently not unlooked for by its friends—the executive veto. And thus ended all effort at amendment of the present inadequate legislation upon the subject of schools.

Previous to this time there had been established two or three schools in the Territory under the auspices and support of the Mormon denomination or sect, but since that time there has been evinced a greatly increased interest and advocacy amongst that class of the population to establish and maintain private or denominational schools, and the leaders and principal men of that church are the active supporters of the scheme of establishing in each “stake,” as they are called, in the Territory one or more private schools under the direction and charge of the church authorities. These stakes generally correspond in territorial extent with the several counties in the Territory.

In the circular of such a school in Salt Lake City, denominated the “Salt Lake Stake Academy,” for the year 1888-’89, issued by its committee in July last, I find the following, which explains in some measure the attitude of the Mormon people upon the subject of public education at this time. I quote:

The career of the Salt Lake Stake Academy during the two years of its active operation is now a matter of record, both in the archives of the institutions and in the hearts and memories of its patrons.

It is therefore with pleasurable anticipation, and a firm reliance upon the continued and increased support of our people, that we issue the circular of the academy for the third academic year.

A change in the board has taken place since the close of the last school year, owing to the organization of the general board of education of the church. This will be more fully understood from the following letter:

“SALT LAKE CITY, June 8, 1888.

“TO THE PRESIDENCY OF SALT LAKE STAKE:

“DEAR BRETHREN: A meeting of the general board of education was held to-day, and the subject of the educational interests of the Latter-day Saints was taken into consideration and discussed at some length.

“It was decided that a board of education, consisting of not less than five, and not to exceed eight in number, should be selected in each stake, to take charge of and promote the interests of education in the stake.

“This communication is addressed to you to inform you of this action, and to have you select energetic men, who are friends of education, who understand the needs of the people, and who have influence with the saints, to carry out any suggestions in this direction that may be deemed proper.

“In the decision which was made by our board, it was made the duty of these boards to take into consideration the formation of church schools and the best method of accomplishing this; and after arriving at proper conclusions to report them to the general board. Communications of this character may be addressed to Elder George Reynolds, who is the secretary of the board. It was felt by the board that, to begin with, there should be one stake academy in each stake as soon as practicable. We feel that the time has arrived when the proper education of our children should be taken in hand by us as a people.

“Religious training is practically excluded from the district schools. The perusal of books that we value as divine records is forbidden. Our children, if left to the training they receive in these schools, will grow up entirely ignorant of those principles of salvation for which the Latter-day Saints have made so many sacrifices. To permit this condition of things to exist among us would be criminal.

“The desire is universally expressed by all thinking people in the church, that we should have schools where the Bible, the Book of Mormon, and the Book of Doctrine and Covenants can be used as text books, and where the principles of our religion may form part of the teaching of the schools.

“To effect this, it will be necessary that funds be collected. The church will doubtless do its share, but it can not carry the entire burden. The saints must be appealed to. There are hundreds of liberal-minded people among us who will be

willing to contribute to this worthy object when they find the subject is receiving proper attention, and that definite and permanent arrangements are being made to establish academies of this character.

"The brethren whom you select to form this board should be men of character and integrity among the people, and who will be able to use an influence in the collection of funds, so that academies may be established, good facilities be employed, and education be made so cheap that it will be within the reach of the humblest in the land.

"After you have made a proper selection for this board, the names of the brethren composing it should be presented regularly at your stake conference, as other authorities are, so that the people can vote for them.

"Very respectfully, yours,

"WILFORD WOODRUFF,

"Chairman of the Church Board of Education.

"GEORGE REYNOLDS,

"Secretary."

In compliance with the above, the stake presidency and the high council of the Salt Lake Stake of Zion appointed as the stake board of education the following-named gentlemen, which action has been approved by President Woodruff, of the general board. * * *

By formal action the committee heretofore directing the Salt Lake Stake Academy has resigned all charge thereof to the Stake Board of Education. The scope of the school has been materially enlarged, by the addition of an academic department, offering thorough courses of instruction in science, languages, and mathematics, and by the engagement of competent instructors. The preparatory and intermediate departments will continue as before. A well-fitted laboratory is provided for practical labor in the scientific branches, and an adequate supply of new apparatus for demonstration and experiment has been procured. The rooms of the academy are comfortable and appropriately furnished, and arrangements have been made to extend the capacity as occasion requires.

But far beyond all such facilities and advantages is that, so dear to the soul of every true Latter-Day Saint—the opportunity of securing an education in secular branches co-ordinately with the study of the principles of the Gospel of Christ, and a training in the duties pertaining to membership in the church. We doubt not that the institution will continue to receive the warm approval and material support of the Latter-Day Saints.

Wilford Woodruff, the chairman of this church board of education, is also the president of the Mormon Church, and, as before indicated, the action taken by the church authorities of the "Salt Lake Stake" with reference to its academy is a type of the action being taken, or advocated, throughout the entire Territory.

While the laws of the Territory do not forbid the "perusal" in the district schools of the books referred to, or any other books, yet it is not longer practicable to openly inculcate in them the tenets of a creed. Until very recently these schools, although partially supported by taxation, were to a great extent essentially Mormon denominational schools; and it will take time to free them from this influence, especially from the reputation they have thus acquired. When we come to consider the fact that the Mormon people are largely in the majority, that the influence of the leaders of that church is sufficient to, and does, shape and control the legislation of the Territory, it is a fair and reasonable conclusion that the attitude taken at the recent session of the legislature to provide no further means for the support of schools, unless it could be shared proportionately by private schools, was but another manifestation of the purposes set forth in the letter I have quoted from Mr. Woodruff.

So long as this purpose is entertained and advocated by the Mormon leaders and people, and the legislative power remains in their hands, there can be no reasonable expectation of any material improvement of the legislation of the Territory upon the subject of a public school system, or any further provision made for their support by general taxation.

By the twenty-fifth section of the act of Congress, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised

Statutes of the United States in reference to bigamy, and for other purposes," which took effect March 3, 1887, it is provided :

That the office of Territorial superintendent of district schools, created by the laws of Utah, is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the Treasury of said Territory. And the laws of Utah Territory providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had thereto. The said superintendent shall have power to prohibit the use, in any district school, of any book of sectarian character or otherwise unsuitable. The said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of the time of their attendance; the number of teachers, and compensation paid to the same; the number of teachers who are Mormons, and the number who are so-called Gentiles; the number of children of Mormon parents, and the number of so-called Gentile parents, and their respective average attendance at school. All of which statistics and information shall be annually reported to Congress through the governor of said Territory and the Department of the Interior.

The first appointment under the provisions of this act was made by the supreme court in April, 1887, about the time that the district schools of the Territory were entering upon the fourth and last term of the school year ending June 30, 1887. So that the first action that was practicable under the provisions of the act of Congress was in taking the school census for the school year beginning July 1, 1887, which is required by the provisions of the Territorial school law to be taken during the month of July of each year. Blanks were prepared and furnished in accordance with the act of Congress for this purpose, and also for use in the schools for teachers' term reports and trustees' reports; and these, in turn, under the provisions of the Territorial law, are compiled and presented to the commissioner of schools by the county superintendents of the several counties, so that the first annual report under the provisions of the act of Congress could not be placed in the hands of the commissioner until late in the present year, 1888.

I herewith submit tabulated statements or schedules, marked, respectively, Schedules A, B, C, and D.

Schedule A is the annual report of school population of the Territory for the school year beginning July 1, 1888, showing the total number of children between the ages of six and eighteen years, with their sexes, and also the total number of those of non-Mormon and Mormon parents, respectively. The aggregate are as follows, viz: Boys of non-Mormon parents, 3,941; girls, 3,641. Total number of children of non-Mormon parents in the Territory, 7,582. Boys of Mormon parents, 34,082; girls, 23,289. Whole number of children of Mormon parents, 47,371. Making the grand total of children in the Territory of school age, 54,953.

Schedule B is the annual statistical report of the district schools for the school year ending June 30, 1888, and shows the whole number of district schools, number reported, number of teachers and assistant teachers, Mormon and non-Mormon, and other statistical matter required by the provisions of the act of Congress above quoted, and of the Territorial law. From this table it appears that only .184 per cent. of the children of non-Mormon parents attend the district schools, and .401 per cent. of the children of Mormon parents; making a total in attendance at these schools of .585 of the school population.

Schedule C is a like statistical report of the denominational schools, being schools other than district schools, which are also required to be

reported by the said act of Congress. This being the first effort, however, to collect statistics from this class of schools, some difficulty was experienced in obtaining the desired information—owing, however, almost exclusively, to the fact that these private schools had never been in the habit of keeping the data required of district schools. Subsequent efforts, however, will doubtless result more effectually in obtaining completer reports from these schools.

Schedule D is the annual financial report of the district schools for the year ending June 30, 1888; showing total amount of moneys received, and from what sources, as well as the total expenditures for said schools.

The small percentage of the children of school age in actual attendance upon the district schools, as shown by these reports, is but one of the consequences of the inadequate legislation upon the general subject of schools, the lack of uniform public interest in their prosperity and progress, the conditions in the past that have brought about the establishment of the number of private denominational schools shown to exist in the Territory, and the more recent influence that is exerted by the Mormon population of the community in the establishment and support of schools under the direction, control, and patronage of their sect.

These conditions have operated to prevent the erection of school-houses adequate to the proper accommodation of that portion of the school population which is actually in attendance at the schools, as shown by the statistical tables referred to, the fact being that the school-rooms are already overcrowded. It is absolutely certain that, with an increased number and more commodious school buildings, there would be a largely increased attendance, notwithstanding the other unfavorable conditions existing with reference to the public schools.

I submit herewith, in addition to the statistics above enumerated, a printed copy of the report of the commissioner of schools to the twenty-eighth session of the legislative assembly, supplemented by the financial and statistical reports for the year ending June 30, 1887, and also a copy of the laws of the Territory now in force upon the subject of schools.

The same general conditions exist now that existed at the time this report was presented to the legislature, and as it contains a more extended and detailed statement of the situation of the public schools of the Territory, the influences operating upon them, the urgent need of additional school buildings and increased facilities, and the views of the commissioner as to the legislation required upon the subject, I beg your attention to what is there said.

Without further legislation of the general nature there indicated I am firmly convinced there can not possibly be that progress and prosperity of the public schools that must exist before they can afford adequate and satisfactory opportunities for the education of the children of the Territory.

The act of Congress quoted above, providing for a commissioner of schools, also provides that he should receive "the same salary and compensation" as the Territorial superintendent of district schools had received while that office was in existence; the assumption seeming to be that a fixed salary had been provided by law, but such was not the case. It has, on the contrary, been the uniform usage of the legislature to make appropriations for the office extending only until the next session of that body. These appropriations have varied from time to time, never exceeding \$1,500 per annum, and being as low as \$500. It has also been usual to make a small appropriation to meet the expenses of printing blanks, etc., which the commissioner is required by section 18

of the Territorial school law to furnish the schools and school officers throughout the Territory. At the twenty-seventh session of the legislature, held in 1886, the entire appropriation bill failed, so that during the years 1886-'87 there was no provision for either compensation or expenses.

At the twenty-eighth session an appropriation of \$1,500 was made for the compensation of the superintendent and commissioner for those two years; and an appropriation of \$2,500 was also made for the salary of the commissioner for the years 1888 and 1889, but no provision whatever was made for traveling, printing, or office expenses. The expenditure for printing blanks, even with the utmost economy, amounts to between \$200 and \$300 per annum, and if not done the collection of the statistics required by both the laws of the United States and the Territory is absolutely impossible. The result of this condition is that the commissioner is furnishing these blanks at his personal expense. Yet it is true that the provision for compensation and expenses of the commissioner's office is quite as liberal, proportionately, as that provided for other departments of the school system, and illustrates the inadequacy of the support provided for the schools themselves, as well as their proper supervision.

Respectfully submitted.

P. L. WILLIAMS,

Commissioner of Schools for Utah Territory.

SALT LAKE CITY, UTAH,

December 31, 1888.

Here the committee took a recess, to meet at half past 1 o'clock.

ARGUMENT OF R. N. BASKIN.

Mr. R. N. Baskin, of Utah Territory, next addressed the committee. He said:

Mr. Chairman and gentlemen of the committee, without any preliminary remarks, as your patience by this time must be almost exhausted, I will come straight to the points I desire to present. One of the principal objections to the admission of Utah urged by those who have preceded me is that a majority of the people of that Territory belong to the Church of Jesus Christ of Latter-Day Saints, which is a theocracy in spirit and in fact. In 1850 the Congress of the United States gave to that Territory the same organic act she has given to the other Territories. That invested them with the powers of local legislation. In the passage of laws the forms prescribed by the organic act, of course, had to be observed, yet they took advantage of the powers which you put into their hands, and observing legal forms simply carried into effect a theocracy to all intents and purposes.

Now then, gentlemen, that I may add something to your information in relation to the nature of this theocracy, I desire to read from their official documents. I do not intend to elaborate the points which they suggest, because I have not the time. I will have to leave it to the committee and the gentlemen who may deal with this question to draw the deductions from these documents which they may suggest. I read now from the "Doctrines and covenants" printed by John Taylor in 1845, page 175. I read from the revelation to Joseph Smith, given February, 1831, and I read it for the purpose of showing who has jurisdiction to receive the revelations which shall govern that theocracy:

1. O hearken, ye elders of my church, and give an ear to the words which I shall speak unto you: for behold, verily, verily, I say unto you, that ye have received a

commandment for a law unto my church, through him whom I have appointed unto you, to receive commandments and revelations from my hand. And this ye shall know assuredly, that there is none other appointed unto you to receive commandments and revelations until he be taken, if he abide in me.

2. But verily, verily, I say unto you, that none else shall be appointed unto this gift except it be through him, for if it be taken from him he shall not have power, except to appoint another in his stead; and this shall be a law unto you, that ye receive not the teachings of any that shall come before you as revelations or commandments.

The only person who can receive revelations under that theocracy or church organization, according to this revelation, is the head of the church. It has already appeared to you that these revelations really apply not only to spiritual but temporal matters. The faith of the Mormon Church is not confined to mere abstract principles. We care nothing about the faith of a man which relates to mere abstractions.

Mr. WILSON. Have you evidence that the revelation just read relates to temporal affairs as well as spiritual?

Mr. BASKIN. I am going to show this. I am proceeding to show that Mormon revelations deal with temporal affairs. No person would care whether a man believed the God-head was composed of one or three persons. That is an abstract principle that no practice could apply to. The Mormons believe in the observance of the revelations to the Mormon Church, and many of those revelations relate to municipal affairs. Now, when a community has a belief in a revelation requiring the practice of polygamy, and polygamy in pursuance of such revelation becomes a prevalent practice in such a community, then the State has something to say. Such a belief calls for action in a matter of municipal jurisdiction. It is as much the duty of the State to protect its jurisdiction against the encroachment of a church as it is for the State to abstain from invading ecclesiastical jurisdiction.

I read further from the Doctrines and Covenants to show how the revelations which are accepted by the members of the church as divine law encroaches upon the rights of the state and controls and directs the action of the individual in temporal affairs.

Revelation given in 1831, page 211:

And again I say unto you that my servant Isaac Mosely may not be tempted above that which he is able to bear, and counsel wrongfully to your hurt, I gave commandment that his farm should be sold. I willeth not that my servant Frederick G. Williams should sell his farm, for I the Lord willeth to retain a stronghold in the land of Kirtland for the space of five years.

Page 212:

6. Behold, it is said in my laws, or forbidden, to get in debt to thine enemies; but behold it is not said at any time that the Lord should not take when he please, and pay as seemeth him good, wherefore, as ye are agents, and ye are on the Lord's errand; and whatever ye do according to the will of the Lord, is the Lord's business, and he hath set you to provide for his saints in these last days, that they may obtain an inheritance in the land of Zion.

Mr. TAULBEE. Does it fix a price.

Mr. BASKIN. They do in some cases fix a price. Now it may seem ridiculous, gentlemen, but we know that that thing has been carried out in Utah, and it is a fact, as Judge McBride stated to you, that the priesthood directs what disposition men shall make of their property, whether they shall sell it or not. Not only that, but they assume to direct every member as to where he shall live, where he shall go, what shall be his employment, and for whom he shall vote. Why, sir, I will venture to say that the inhabitants that are going into Idaho Territory—and they amount to as many as 1,500 in some years—are all called by revelation; they are called in large numbers, and they settle together in

large bodies, for the purpose of gaining control and securing isolation. The theory is that the church is the Kingdom of God, that Utah has been selected by Him and given to the Sons of Zion to establish a theocratic government there directed by revelation, and embracing temporal and spiritual affairs, which will, eventually, not only denominate that Territory, but in time denominate the whole United States and all the nations of the earth, and that all other governments will finally be destroyed and give way to this theocracy.

Mr. RICHARDS. I hope you will produce some evidence of the fact that people are called by revelation.

Mr. BASKIN. Mr. Richards knows it.

Mr. RICHARDS. You are mistaken; I do not know it.

Mr. BASKIN. Then you deny a patent fact?

Mr. RICHARDS. I would like some evidence of it.

Mr. BASKIN. They are sent out under order.

Mr. RICHARDS. I never knew it to be done by revelation.

Mr. BASKIN. I can not now afford to stop, but I will advert in another connection to the prevarications and denials of the gentleman. I will show that that which Mr. Richards denies so emphatically is a fact. Now I read from page 295 of the Doctrines and Covenants:

8. And again I say unto you, let my servants Joseph Wakefield and Solomon Humphrey take their journey into the eastern lands. Let them labor with their families, declaring none other things than the prophets and apostles, that which they have seen and heard and most assuredly believe, that the prophecies may be fulfilled. In consequence of transgression, let that which was bestowed upon Heman Bassett be taken from him and placed upon the head of Simonds Rider.

I can not go through all of the revelations pertinent to the question, but if you will take this book up you will find many such revelations in it. I will leave it with the committee.

Mr. STURBLE. You had better select from it and have printed any statements which you want used and examined.

Mr. BASKIN. I will do that, sir.

Mr. MANSUR. What are you reading from?

Mr. BASKIN. From the book of "Doctrine and Covenants," which contains the alleged revelations to the Mormon Church, on page 300:

And again verily, I say unto you, that My servant Ezra Thayer must repent of his pride and of his selfishness, and obey the former commandment which I have given him concerning the place upon which he lives; and if he will do this, as there will be no division upon the land, he shall still be appointed to go to the land of Missouri, otherwise he shall receive the money which he has paid, and shall leave the place and shall be cut off out of My church, saith the Lord God of Hosts; and though the heavens and earth pass away, these words shall not pass away, but shall be fulfilled.

Now, the simple explanation of this matter is, probably, Thayer had become a little refractory and Smith promulgated this revelation and brought him to time. Any Mormon in Utah who receives an order from the church is a very bold man if he resists it. The church possesses the means to suppress insubordination.

Mr. TAULBEE. Did that refer to the sending of the men to Missouri as a punishment?

Mr. BASKIN. Well, the Mormons were sent there in compact masses. They are sent in that way to the surrounding Territories for the purpose of getting control of the county organizations. They got control in Missouri and they exercised their power in a way that got them into difficulty.

Mr. WARNER. But there was a limit to the punishment they inflicted. They never sent a man to Kentucky.

Mr. BASKIN. They never sent them to Kentucky.

The CHAIRMAN. That would be a refinement of cruelty they had not reached.

Mr. BASKIN. Gentleman, as my time is short, I must hurry on. I now read from page 402:

18. And now, I say unto you, as pertaining to my boarding-house, which I have commanded you to build, for the boarding of strangers, let it be built unto my name, and let my name be named upon it, and let my servant Joseph and his house have place therein, from generation to generation; for this anointing have I put upon his head, that his blessing shall also be put upon the head of his posterity after him; and as I said unto Abraham, concerning the kindreds of the earth, even so I say unto my servant Joseph, in thee, and in thy seed, shall the kindred of the earth be blessed. Therefore, let my servant Joseph and his seed after him have place in that house, from generation to generation, forever and ever, saith the Lord, and let the name of that house be called the Nauvoo House; and let it be a delightful habitation for man, and a resting place for the weary traveler, that he may contemplate the glory of Zion, and the glory of this the corner-stone thereof; that he may receive, also, the counsel from those whom I have set to be as plants of renown, and as watchmen upon her walls.

Mr. WARNER. This was before they went to Utah?

Mr. BASKIN. Yes, sir.

19. Behold! verily I say unto you, let my servant George Miller, and my servant Lyman Wright, and my servant John Snider, and my servant Peter Haws, organize themselves, and appoint one of them to be a president over their quorum for the purpose of building that house. And they shall form a constitution whereby they may receive stock for the building of that house. And they shall not receive less than \$50 for a share of stock in that house, and they shall be permitted to receive \$15,000 from any one man for stock in that house; but they shall not be permitted to receive over \$15,000 stock from any one man; and they shall not be permitted to receive under \$50 for a share of stock from any one man, in that house; and they shall not be permitted to receive any man as a stockholder in this house, except the same shall pay his stock into their hands at the time he receives stock; and in proportion to the amount of stock he pays into their hands he shall receive stock in that house; but if he pay nothing into their hands he shall not receive any stock in that house. And if any pay stock into their hands it shall be for stock in that house, for himself, and for his generation after him, from generation to generation, so long as he and his heirs shall hold that stock, and do not sell or convey the stock away out of their hands by their own free will and act: if you will do my will, saith the Lord your God.

The anomaly of the organization of a stock company by revelation is here presented, the object being to erect a hotel. The co-operative institution spoken of by Governor West emanated from the same source. Brigham being the projector and the object being to prevent the enemies of the church, the non-Mormons, from being patronized by members of the church. Now let us see what Smith says about building his tavern that he and his house were to have place in from generation to generation.

I read from page 405:

23. Verily I say unto you, let my servant Hyrum put stock into that house, as seemeth him good, for himself and his generation after him, from generation to generation.

24. Let my servant Isaac Galland put stock into that house, for I the Lord loveth him for the work he hath done, and will forgive all his sins; therefore, let him be remembered for an interest in that house, from generation to generation. Let my servant Isaac Galland be appointed among you, and be ordained by my servant William Marks, and be blessed of him, to go with my servant Hyrum, to accomplish the work that my servant Joseph shall point out to them, and they shall be greatly blessed.

25. Let my servant William Marks pay stock into that house, as seemeth him good, for himself and his generation, from generation to generation.

26. Let my servant Henry G. Sherwood pay stock in that house, as seemeth him good, for himself and his seed after him, from generation to generation.

27. Let my servant William Law pay stock into that house, for himself and his seed after him, from generation to generation. If he will do my will, let him not take his family unto the eastern lands, even unto Kirtland; nevertheless I the Lord will build up Kirtland, but I the Lord have a scourge prepared for the inhabitants thereof.

He goes on in the revelation until a sufficient number of persons are named to secure the building of that house.

Mr. WILSON. What is the date of that revelation?

Mr. BASKIN. I forget, but I will turn back; it is an old revelation.

Mr. WARNER. Give us about how old that is.

Mr. BASKIN. It must have been while they were at Nauvoo. It was in 1841, a short time before Smith died. Now these gentlemen flush when we say that the Gentiles were not allowed to take stock in the co-operative institution at Salt Lake. I do not think that has much bearing on the case. Joseph Smith's policy and revelations, including polygamy, are being carried out in Utah to-day. Section 25 of this same revelation says:

35. And again, verily I say unto you, let no man pay stock to the quorum of the Nauvoo House, unless he shall be a believer in the Book of Mormon, and the revelations I have given unto you, saith the Lord your God: for that which is more or less than this cometh of evil, and shall be attended with cursings and not blessings, saith the Lord your God: even so; Amen.

Mr. MANSUR. Let me ask you what is the latest of these revelations?

Mr. BASKIN. They have revelations from time to time. I do not know what the latest is.

Mr. MANSUR. I do not mean that. What is the latest revelation that you know of on business matters?

Mr. BASKIN. Oh, well, they are scattered all through this book. They continue to be given up to the time that Smith died surely. I will say to you that since Smith died their revelations have never been made public. If they have been reduced to writing at all they are in the historian's office, but they have never been made public.

Mr. RICHARDS. It is just as I stated, and Mr. Baskin has not adduced a particle of evidence that any attempt is now made to direct people in their business affairs by revelation.

Mr. WILSON. Have you any evidence there have been any?

Mr. BASKIN. Yes, sir; they are receiving revelations all the time.

Mr. WILSON. What is the evidence of that?

Mr. BASKIN. I have heard it spoken of. Why, they constantly preach about revelations being received from time to time. It is one of the fundamental principles of their church. They receive revelations constantly for their guidance. I say this, that since the agitation of the question of Mormon practices began to cause adverse criticisms they have done in the case of their revelations just what they have in reference to the solemnizations of their marriages. They have kept them from the public, and I will show you why they have done it. This was done in pursuance of a revelation to blind the public.

Mr. WILSON. If you will allow me, I think we will get to an understanding; the revelations in this book you have referred to purport to come through Joseph Smith.

Mr. BASKIN. No, no. There are some revelations in there that are given to some other persons.

Mr. WILSON. They are all prior to the death of Joseph Smith.

Mr. BASKIN. Yes, sir; they are all prior to the death of Joseph Smith. I now read from the opinions of one of the ablest men that ever was in the Mormon Church, the great scholar and orator Orson Pratt, a man of the most acute reasoning power and the best educated man among the Mormons. I think my antagonists will admit that. I have never heard any of their speakers who displayed such acuteness as Orson Pratt. In a book entitled the "Works of Orson Pratt," page 104, this occurs:

The Kingdom of God is an order of government established by divine authority. It is the only legal government that exists in any part of the country; all other gov-

ernments are illegal and unauthorized. God, having made all beings and worlds, has the supreme right to govern them by His own laws and by officers of His own appointment. Any people attempting to govern themselves by laws of their own making and by officers of their own appointment are in direct rebellion against the Kingdom of God.

For one thousand seven hundred years the nations upon the eastern hemisphere have been entirely destitute of the Kingdom of God, entirely destitute of a true and legal government, entirely destitute of officers legally authorized to rule and govern.

Their authority is all assumed; it originated in man; their laws are not from the Great Law-giver, but the production of their own false governments. Their very foundations are laid in rebellion, and the whole structure from first to last is a heterogeneous mass of discordant elements in direct opposition to the Kingdom of God—

Mr. WARNER. What is the date of that writing?

Mr. BASKIN. That is at an early date. It must have been some time during the forties.

Mr. RICHARDS. Is not that one of the writings that Brigham Young publicly repudiated?

Mr. BASKIN. But he never publicly repudiated it until we began to quote it at him. And I will show you that it will not do for Mr. Richards to say they repudiated it, for they have preached the same doctrine in an hundred sermons, as you will find by reference to the "Journals of Discourses," which is in the Congressional Library. These books were published by the authority of the church. This doctrine is announced in numerous copies of the church organ, the Deseret News, and from the early history of the church in Utah up to the present time has been preached in the tabernacle and various ward churches throughout the Territory. I have heard it, Mr. Richards has heard it, and no man who has attended the tabernacle and ward churches but has heard it. It underlies the very foundation of the church.

Mr. RICHARDS. I will be very much obliged if you will confine yourself to stating what you have heard, instead of assuming to say what I may have heard.

Mr. BASKIN. The gentleman knows it as well as I do. It is frequently announced in similar language as that quoted. I could make a great number of quotations to prove the assertions. I do not ask you to take it on my say so alone. The gentlemen have a way of pitting their denials against our assertions in a manner that forces us to quote more extensively from the works of the church than we would otherwise do. I will show you how skillfully denials were used to blind the public in the earlier days of the church. I will show this from their own published journals, and I ask you to judge between us from what is said here and what the church has heretofore printed on the subject. Orson Pratt goes on further to say:

which is the only true government which should be recognized on the earth or in heaven. *The kingdom of God is a theocracy*, and as it is the only form of government which will redeem and save mankind it is necessary that every soul should be rightly and thoroughly instructed in regard to its nature and general characteristics.

The beauty, glory, power, wisdom, and order of the kingdom of God may be fully understood by a careful examination of the following subjects:

- (1) The nature and character of the King.
- (2) The character and requisite qualifications of the subordinate officers.
- (3) The nature and character of the laws of adoption or the rules by which aliens are admitted into the kingdom as citizens.
- (4) The nature and character of the laws given for the government of the adopted citizens.
- (5) The character, disposition, and qualifications necessary for every citizen to possess.

And in further illustrating these several heads he says:

- (1) The nature and character of the King. God is the King. In Him exists all legal authority. He alone has the right to originate a system of government on the

earth. He claims this right by virtue of His having made man and the earth he inhabits. Man therefore is indebted to God for his own formation and for the formation of the planet on which he dwells. He also claims the right of establishing His government among men by virtue of His superior wisdom and power. An order of government established by such an all-wise, powerful Being must be 'good and perfect, and must be calculated to promote the happiness and well-being of His subjects.

(2) The character and requisite qualifications of the subordinate officers in the kingdom of God are now to be considered. As the person of the Father and Son can not be everywhere present, it is therefore impossible for them to attend in person to all of the multiple affairs of government among intelligent beings. Therefore God, in establishing a government among such beings, has always called persons of their own number to officiate in His name. The various officers called of God to administer the affairs of government are, apostles, prophets, bishops, evangelists, elders, pastors, teachers, and deacons.

God has only one way of calling these different officers, and that is by new revelation.

Now I quote once more from him on the next page :

His kingdom is now for the last time organized upon the earth. All nations are invited to become citizens. It is the only government of safety, of refuge upon the whole earth ; it hath its seat in the everlasting mountains ; its terrible majesty shall strike terror to the hearts of kings in the day of his power. Awake, for troublous times are at hand ; nations shall no longer sit at ease.

Let me say here that all persons not members of the Mormon Church in Utah are aliens to that government and are looked upon as enemies.

The object of the Mormons when they went into the Territory of Utah was to exclude outsiders. They would have successfully accomplished this end if it had not been for the accidental discovery of the mines which they overlooked. By an abuse of legislation they monopolized the land. Their theory is the kingdom of God is established and that the Territory of Utah has been set apart by revelation as the seat of this government under the authority of God. And that they will not only dominate the Territory of Utah, but finally overthrow the Government of these United States. Now I want to read from another church work, and this is the only one I will read, leaving the others to be printed in the argument. I will now read from a written publication of Franklin D. Richards in the Millennial Star, volume 18, page 274. That work is in the library, and by going into these works you will learn a great deal. It will corroborate what we assert.

Mr. RICHARDS. Do you claim that Franklin D. Richards is the author of that writing ?

Mr. BASKIN. Yes, sir ; it is stated so by him.

Mr. RICHARDS. You will excuse me, but it is not so stated in the Millennial Star, if you refer to the article you quoted before the Senate committee as having been written by my father.

Mr. BASKIN. There is another of this gentleman's literal denials. He corrected me in that once before. I made the assertion and stated that the author was the father of this young man. I was under that impression, but after going home and inquiring into the matter, I found it was written by Samuel D. Richards, who I believe was a brother of Franklin D. Richards.

Mr. RICHARDS. I do not know a man by the name of Samuel D. Richards, but I do know a man by the name of Samuel W. Richards.

Mr. BASKIN. Then this article was published by Samuel W. Richards, a high official of the church.

Mr. RICHARDS. This inaccuracy is what I object to. You charged my father, Franklin D. Richards, with something that you now claim was written by Samuel W. Richards.

Mr. BASKIN. I do not care a button whether it was Samuel Richards or Franklin D. Richards ; the chief thing is that what I quote is con-

tained in this church journal. Because I gave a different name and was mistaken in the fact—

Mr. RICHARDS. You put my father's name in for effect, as being the author of that article, instead of giving the name of the real author.

Mr. BASKIN. I say to the gentleman that a mistake in the name is of no moment because it has no bearing on the point I wish to make:

A theocracy embodies the two extremes of absolute power and republicanism. Such a government the Lord has now established on the earth, and the Latter Day Saints are those who are allowed to carry out his designs.

They are going to purify the foundations of life to multiply and replenish all life. When this reform is carried out in the domestic and social relations, the power of revelation will pervade and control the political and civil relations of the state. This is the kind of a government that the Latter Day Saints are establishing in Utah.

The way we have mentioned is the way Brigham Young is elected without a dissenting vote.

This is the reason that there are no party politics nor dissenting votes in the elections to office in the church or state. The spirit of revelation is the nominating power.

And I say, gentlemen, that no man can be elected at the present day to any office in the Territory that does not receive his nomination from that power. Mr. Caine truthfully said that he did not make any canvass against me because he did not deem it necessary. Why, sir, if this revealing power had put a baboon up against me it could have been elected just as easily as Mr. Caine was.

Theocracy, in its literal signification, means a government of a state by God through the interposition of a priesthood. A hierarchy is one governed by the priesthood.

I now quote from the *Millennial Star*, volume 19, page 806:

Let us now present Mormonism as a practical illustration of legitimate government. Theocracy is its order.

We will go to the bosom of the church, where divine government is more fully developed. At headquarters the church may be said, even at this early period, to exist in a thoroughly and perfectly organized state.

And the leader holds the string which controls the entire mass and directs every interest. The union and organization and power of its leaders to move it wheresoever the presiding wisdom points has become a by-word and a terror to the nations. There never was a people who so strikingly illustrated the blending together of popular sovereignty, union, and organization and absolute authority as the Saints have done. They have almost perfectly reconciled those apparently paradoxical relations.

There is not a thorough, faithful Mormon in Utah who is not subject and responsible, religiously, morally, socially, domestically, financially, and in all other conceivable respects, to the government and authority of the church.

This will by contrast show the value of that government which can blend the faith, morals, hopes, interests, and destinies of the entire nation; which can wield the whole body and its resources; which, at the lifting of the finger of one man, will move a kingdom, to the astonishment and terror of the world.

Mr. STRUBLE. This is all now from Pratt?

Mr. BASKIN. No, the last is from Samuel Richards. The following are quotations on the same subject:

Wilford Woodruff, in 1862, in the tabernacle (*Journal of Discourses*, volume 9, page 325) said:

"President Young requires nothing but what the Lord requires of him and manifests unto him. And I know that if we carry out these principles that are brought forth by our president and leader we shall be blest in so doing. This kingdom has got to rise up and take its stand in majesty, in strength, and in power among the nations, and all that the Lord has promised will be realized. Our president has frequently told us that we can not separate the spiritual from the temporal, but they must go hand in hand together. So it is, and so must we act in reference to building up the church and kingdom of God."

John Taylor, in 1861 (*Journal of Discourses*, volume 9, page 9) said:

"We do not believe that any people are capable of governing themselves. There is no need to enter into an argument upon the matter before this congregation. But it

is my opinion that no people under the heavens that now exist, nor are there any that ever did exist, that are capable of governing themselves. We have generally been in the habit of supposing that our republican institutions are the most perfect of anything that can exist among men, the *ne plus ultra* of man-made government, and hence we have always had a favorite motto upon our tongues' end—*vox populi vox Dei*. I do not believe that the voice of the people is the voice of God."

Brigham Young, in the tabernacle, May 5, 1865 (volume 11 of the Journal of Discourses, pages 354 and 355), said:

"Why do we believe save as we do on these points? Because God has spoken and we believe Him. We are aiming at something more than religious unity. We have a political existence that none can ignore and destroy. They think they can, but they can not. They can not make us mingle with the confusion of Babylon no more than they can make oil and water coalesce. There is no affinity between us. They profess very little faith in God and know nothing about Him, while we profess faith in God and do know that He loves and speaks to His people. Hence unity between them and us is impossible. I refer just now to our political existence. But before I dwell upon that let us touch a little upon our social ideas. In political matters we are pretty well united. At our elections we generally vote as a unit. This we know is contrary to the general custom, and because we do not disagree and contend as the world do they say we are wrong. If we had intended to do as they do we should not have left them. We have weighed them in the balance and found them wanting; we have no desire to affiliate with them. But in politics, as in everything else, we want to know the will of God and to do it. It is true a little of the heaven will manifest itself once in a while. Sometimes some little consequential persons, who want to be somebody, will gather here and seek to exalt themselves. But our opinion is that it is time enough for a man to be somebody when God makes them so, and that man-made men are only poor miserable creatures at the best. Do we believe in the voice of the people? Yes; but we believe in the voice of God first, in the middle, and in the end. God says, I am Alpha and Omega, the beginning and the end, the first and the last, and we want to be governed by Him in everything, firstly, secondly, and lastly. We do not think we have the wisdom to manage our political affairs without the interposition of the Most High."

The following is quoted from the Millennial Star, volume 10, page 238:

"What are the present forms of political government? They are the images seen by Nebuchadnezzar. When will the present forms of political and religious governments come to an end? In this present age. By what means? By the kingdom of God and a great destruction. What is the kingdom of God? A theocracy, or in other words, a kingdom governed by direct revelation from God."

John Taylor, in volume 5 of the Journal of Discourses, page 149, said:

"There are others of you who have taken the oath of allegiance to the United States, and some of you not understanding correct principles may perhaps feel questions of conscience and they think probably if we unite to resist the powers that are seeking to make aggressions upon us we are doing wrong. No such thing; you let your conscience sleep at ease; let it be quiet; it is not us who are doing wrong; it is others who are doing wrong upon us."

Heber C. Kimball, in the same volume, page 160, said:

"You all acknowledge Brother Brigham as the president of the Church of Jesus Christ of Latter-Day Saints. Then you acknowledge him as our leader, prophet, seer, and revelator, and then you acknowledge him in every capacity that pertains to his church calling, both in the church and state, do you not? [Voices: 'Yes.'] Well, he is our governor. What is governor? One who presides and governs."

John Taylor, in the same volume, page 187, said:

"Some people ask, What is priesthood? It is the legitimate rule of God, whether in the heavens or on the earth, and it is the only legitimate power that has a right to rule upon the earth. We came to serve our God to a place where we could more fully keep His commandments, where we could fulfill His behests on the earth. This is the reason why we came here. Well, then, if we are the only people whom God acknowledges as a nation, have we not a right to the privileges we enjoy? Who owns the gold and silver and the cattle on a thousand hills? God. Who, then, has a right to appoint rulers? None but Him or the man that He appoints."

Brigham Young, in the tabernacle, same volume, page 342, said:

"The President of the United States, his Cabinet, the Senate, the House of Representatives, the priests of the various religious sects, and their followers have joined in a crusade to waste away the last vestige of truth and righteousness from this earth, and especially from this part of it. Yes, they have joined together; we have to maintain truth and righteousness, virtue, and holiness, or they will be driven from the earth. We say it is the kingdom of God or nothing. And we will maintain it or die in trying, though we shall not die in trying, but we shall live in trying. We will maintain the kingdom of God living. And if we do not maintain it we shall be found dying not only a temporal, but also an eternal death. Then take a course to live."

When revelations are revealed through the head of the church, as Mr. Caine admitted when speaking of the revelation of polygamy, they have the authority of divine law. He admitted that that was so and he also admitted that under their system revelations when given can never be revoked or changed in any way except through a divine revelation given through the priesthood. You remember what Mr. Caine said on that question when it was put to him. Now, gentlemen, Taylor and Cannon have spoken on that question. The revelation of polygamy is binding on the saints and has the force of divine law until it is repealed by revelation. George Q. Cannon and John Taylor, when they were hiding from the officers of the law in 1887, in one of their communications sent to a general conference of the church, used this language:

Well-meaning friends of ours have said that our refusal to renounce the principle of celestial marriage invites destruction. We did not reveal celestial marriage; we can not withdraw or renounce it. God revealed it, and he has promised to maintain it and bless those who obey it. Whatever fate, then, may threaten us, there is but one course for men of God to take; that is, to keep inviolate the holy covenants they have made in the presence of God and of angels.

It is not claimed that this revelation has ever been repealed. It is still in full force. Now, I simply ask you to read his communication and consider the bearing it has upon the constitutional amendment. I will state one effect it will have. Why, I believe that every man who believes in that revelation as Mr. Caine and Mr. Richards do, if the Territory be admitted into the Union, will use all the means within their power to protect and screen that institution. They will be impelled to do this because you will remember that under the terms of the revelation on that subject disobedience is punishable by damnation. Now, under those circumstances, when we consider that a very large majority of the Morimon people accept that revelation as divine law, is it remarkable that the non-Mormons should be a little nervous when that system of theocracy is sought to be perpetuated by the admission into the Union of Utah Territory?

Would not we be recreant in our duty to our families, to ourselves, and to society, when such a system as that has taken a deep seat in one of the Territories of the United States where we reside, if we did not oppose any measure calculated to stimulate and continue its growth? We are simply performing the duties of American citizens in arraying ourselves against such a wrong as admission of Utah would be under theocratic rule.

Now, then, let me answer an assertion of Mr. Richards. He asserted that during the whole time that the Mormons had political control there they had never legalized polygamy. Now, I do not charge Mr. Richards with any misstatement. In complicated matters of this kind men may make errors and mistakes, and he is mistaken in that respect. I am going now to show that they did legalize polygamy.

Mr. RICHARDS. Well, I would like to see the act. I never heard of such a law.

Mr. BASKIN. In 1854 an act was passed by the legislature of Utah, contained in the statutes of Utah of 1870, page 32, containing the following provision:

SEC. 1. Be it enacted by the governor and legislative assembly of the Territory of Utah: That all questions of law, the meaning of writings other than laws, and the admissibility of testimony shall be decided by the court; and no laws nor parts of laws shall be read, argued, cited, or adopted in any court, during any trial, except those enacted by the governor and legislative assembly of this Territory, and those passed by the Congress of the United States when applicable; and no report, decision, or doings of any court shall be read, argued, cited, or adopted as precedent in any other trial.

Mr. SYMES. What is the date of it?

Mr. BASKIN. It was passed in 1854 and remained in force until after 1870.

Mr. BAKER. Has it ever been repealed?

Mr. BASKIN. It was dropped out when the laws were compiled in 1876, but the legislature never would have consented to its being dropped out if it had not been for the passage of the law of 1862. After the passage of that law it did not have much effect upon polygamy. The object of this provision, gentlemen, was to legalize and protect polygamy in the Territory. After the treaty of Guadalupe Hidalgo, one of two systems of law must have been in force there, to wit, either the common law of the United States or the laws of Mexico, which existed at the date of the treaty. Now, I do not propose to stop to argue the very nice question, which one was in force. Either one or the other of the two systems prevailed. If the laws of Mexico prevailed polygamy was unlawful, because all Catholic nations have passed laws on the subject of marriage and on the subject of polygamy well worthy to be adopted by the Protestant nations of the earth. Under the law of Mexico polygamy was punishable. Whether it was punishable under the common law I do not propose to discuss. That enactment was evidently passed with the view of preventing the punishment of polygamy under either of the two systems mentioned.

This act made it impossible for any court to punish polygamy in Utah. The repeal of all the laws under which a crime can be punished is the same thing as legalizing the crime. But the legislature did not stop there. In the charter of their church they expressly legalize polygamy. You remember Judge McBride read from that charter. It is on page 188 of this book (Laws of Utah). The deduction I desire to draw from the foregoing facts is this, that we can only judge of what will be done in the future, if the power of Congress to control the Territory be taken away by admission, by what has been done in the past. And I tell you they have abused the powers which Congress placed in their hands and have used these powers to screen and protect polygamy. Is it not a rational deduction from what I have shown that polygamy will enjoy immunity in the State under theocratic rule?

The question was asked of Mr. Richards as to whether this law of polygamy is mandatory or directory. We discussed this question, before the movement for statehood was inaugurated, in the Judiciary Committee of the House.

The revelation of polygamy is mandatory in form, as the following quotations from it will show:

3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have this law revealed unto them must obey the same;

4. For behold! I reveal unto you a new and an everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory;

5. For all who will have a blessing at my hands shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world.

6. And as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory; and he that receiveth a fullness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

Mr. WARNER. What do you read from?

Mr. BASKIN. The revelation of polygamy, contained in the Doctrine and Covenants.

Mr. WARNER. Pardon me, judge, it was simply as a matter of convenience to the committee.

Mr. BASKIN. It was the same document you referred to while Mr Caine was speaking and requested certain sections to be printed.

Mr. WARNER. Does that apply to anything more than celestial marriage to one woman?

Mr. BASKIN. Yes.

Mr. WARNER. Now, will you show the committee where it does and how it does? I will be obliged to you.

Mr. BASKIN. I have not got the time to spend in dwelling upon this point. The revelation will show its meaning, and Mr. Richards's remarks on the subject, hereafter quoted, throw light upon the question.

I will refer you to the doctrine of blood atonement. I can not go into the subject but simply mention it in connection with this revelation and the quotations I shall make relating to it.

Mr. STRUBLE. What do you understand it to mean by the word "destroyed" in that connection?

Mr. BASKIN. In order to understand the full force and effect of that language you must read from the teachings of the church leaders on the doctrine of "blood atonement." This revelation is one of the greatest monstrosities that was ever adopted by any white community or any intelligent community under the sun, and I say any people who would adopt such a law as a revelation from God are not fit to be admitted into this Union with the powers of a State.

I quote further from this document:

61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins, and have vowed to no other man, then he is justified; he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth unto him and to no one else.

62. And if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him, and they are given unto him, therefore is he justified.

63. But if one or either of the ten virgins, after she is espoused, shall be with another man, she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my commandments, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltations in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued that he may be glorified.

I ask you to particularly note the provisions of the next sections as the consequences to the first wife if she fails to believe this law when taught to her by her husband is monstrous.

64. And again, verily, verily I say unto you, if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my Priesthood, as pertaining to these things, then shall she believe, and administer unto him, or she shall be destroyed, saith the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law.

65. Therefore, it shall be lawful in me, if she receive not this law, for him to receive all things whatsoever I, the Lord his God, will give unto him, because she did not administer unto him according to my word; and she then becomes the transgressor; and he is exempt from the law of Sarah, who administered unto Abraham according to the law, when I commanded Abraham to take Hager to wife.

Mr. WARNER. These are the same that I had copied following Mr. Caine's remarks.

Mr. BASKIN. The simple meaning of the language which I have just read is that a man who has a wife and holds the key of this priesthood of this kingdom of God, and teaches to his wife the principles of this law of polygamy, and she refuses to believe in and accept it—refuses to allow a concubine to go to her husband's bed—she shall be destroyed. Now, the gentlemen come here and they protest that they believe this to be a divine law. Does not it explain to you why we in that Territory, who have been rocked in the cradle of American liberty, when

such a monstrosity raises its head, display feeling in the matter? I am as tolerant a man in matters of religion and ideas as any man who lives upon the earth, but when an institution like this invades municipal jurisdiction I say it is not only my right, but my duty to fight it, and to fight it with persistency and bitterness, if necessary. Now, I quote what Mr. Richards and Mr. Caine say as to the mandatory effect of this revelation. This question came up in the discussion which led to the passage of the Tucker bill, and what I quote will be found on page 67:

The CHAIRMAN. You have stated a fact which allows me to ask of you, therefore, this question, which you may answer or not, as you see proper. Is it the Mormon creed that there is any religious obligation to have plural wives?

Mr. RICHARDS. I will tell you, sir, what I understand the Mormon view to be in relation to that. There is a difference of opinion among Mormons, as I understand it, on that subject—not as to the rightfulness—

The CHAIRMAN. I understand that, but as to the divine mandate, or divine permission—

Mr. RICHARDS. Yes, sir; as to whether the revelation is mandatory, or merely permissive.

The CHAIRMAN. That is it.

Mr. RICHARDS. There are a great many of the Mormon people—I won't undertake to say how many, because I do not know—who firmly believe that it is mandatory upon them to have a plurality of wives whenever their circumstances will permit. They believe that as sincerely as people can believe anything. Then there is another class of the Mormon people who do not believe that it is mandatory upon them to have a plurality of wives, but who do believe that if they fail to enter into that relation they will not attain to the exaltation hereafter, and enjoy all the blessings that those will who enter into it. I may, perhaps, make myself better understood by expressing it in this way: There is a certain class who believe that if they do not enter into plural marriage they will be damned. There is another class who do not believe that they will be eternally damned if they do not enter into this relation, but they do believe that they will not attain to the same exaltation and enjoy the same blessings as those who do enter into it. Mr. Caine, have I stated it as you understand it?

Mr. CAINE. Yes, sir.

Let us consider this statement for a moment. Is not this revelation mandatory in both classes of cases mentioned by Mr. Richards? There is one class of people—and he does not pretend and does not undertake to say how many—who believe they will be damned if they fail to enter into plural marriage. I have never heard Mormon preachers in their pulpits deny that it is mandatory; I have never read a sermon in which they announce any other doctrine than that of the mandatory character of the revelation.

Mr. STRUBLE. Are you in the habit of attending services, and have for a number of years?

Mr. BASKIN. Not in recent years, but in former years I often did. I read, however, their sermons in the Deseret News.

Mr. STRUBLE. You maintain that such a doctrine is published in the Deseret News among the sermons of the clergy?

Mr. BASKIN. Not just in that form, that is, they never discuss in terms as to whether this revelation is mandatory or not; but they all say it is obligatory upon members to enter into these marriages. Now, the view that these gentlemen take of the matter is that those who believe it is not mandatory, if they do not take plural wives, are deprived of certain privileges and blessings in the future world. Does not these deprivations to all intents and purposes make plural marriage mandatory upon members of the church who believe in the divine origin of the revelation? I have heard Mormons say frequently, in discussing this question, that if a man wants exaltation in heaven, he must take many wives, and that if he does not he will be a hewer of wood and a drawer of water in the celestial kingdom. Therefore, if a man does not obey

that law there is a penalty attached to it according to their own construction, and such a penalty as renders it practically mandatory as to every Mormon.

Now, let us come to the question as to whether or not the Constitution applies to this crime. The clause on the subject of bigamy and polygamy, I say, does not touch the crime at all; it does not affect Mormon practices in that regard. I will only read one extract bearing upon that point. The Deseret News of December 7, 1881, had the following:

The President (Arthur) stated that polygamy is the corner-stone of the Mormon Church, which shows that he has not been correctly informed. Indeed, correctly speaking, polygamy is not now and never has been a tenet of the Mormon faith; but, setting that consideration aside, our plural-wife system is not nor has been the corner-stone of the church. It has become an essential part of our creed, but not more so than many other parts of our faith. Our religious system of marriage is different altogether from that which is known in the world as polygamy.

They are correct in that statement. There are a great many quotations to the same effect, but I can not stop to read them. Now, whether or not this clause covers the Mormon practices depends entirely upon the character of the solemnization of their marriages. It has already appeared before you, and I asked the question which would call it out. Under the Mormon ceremony of celestial marriage the first husband is not bound to keep himself separate and apart from all others but his wife, but she is bound to keep herself separate and apart to him, and if she does not, the penalty under this law of polygamy is destruction. She is bound and he is not. Now there has not been any law until recently in Utah relating to marriages, and under the recent enactment marriage rests upon a mutual contract, as at common law, duly solemnized.

Now, my point in this respect is this: There must be a ceremony solemnizing the contract between the first husband and wife that will give rise to the legal status of marriage, that will create the status of husband and wife between them; otherwise they are not man and wife. And inasmuch as the law against bigamy and polygamy are made to protect the marriage relations, in a prosecution for bigamy or polygamy you have to establish by proof both the first and second marriages. That is to say, you must prove there has been a contract solemnized between the first wife and the husband which will create the status of husband and wife between them, and that there was a like ceremony performed between the second wife with the husband that would have given rise to the status of husband and wife between them but for the fact that the husband was already married to another wife. Now, do you not see at once that the very elements constituting the crime of bigamy and polygamy are lacking under their marriage system? This does not rest upon mere assertion, but I have decisions upon the point. John Hyde, a Mormon, about 1853, came to Salt Lake City and married a wife. He afterward renounced the Mormon faith, and preached against it. A sentence of excommunication was passed against him in Utah in December, 1856, and his wife was declared free to marry again. In 1859 his wife contracted a marriage at Salt Lake City with a man by the name of Woodmuncie. Hyde, at the trial, stated that he had been married under the polygamic ceremony of the Mormon Church. The court, in the trial of the case, said:

After the petitioner had left Utah the respondent was divorced from him, apparently in accordance with the laws obtaining among the Mormons, and has since taken another husband. This is the adultery complained of.

As the argument in the case proceeded the judge, interrupting counsel, said:

"It is necessary to define what is meant by marriage. In Christendom it means the

union of two people, who promise to go through life alone with one another. It does not mean the same thing in Utah."

The court, in the opinion, further says:

"As understood in Christendom, marriage is the voluntary union for life of one man and one woman to the exclusion of all others. This is the substance of the contract entered into, while a marriage under a polygamic system is the reverse of that. The contract entered into by the parties does not preclude the husband from marrying and cohabiting with other wives." (Hyde v. Hyde, 1 Law Reports, p. 130.)

The court afterward in its opinion said that under such a marriage the status of husband and wife could not arise, and therefore it dismissed Mr. Hyde's bill for that reason. Now, it is an established fact that these ceremonies under the celestial system do not bind the husband to keep himself separate and apart from all others but his wife. Why, if that were not so, he would violate his covenants in marrying a second time. Will the gentlemen say when a Mormon takes a second wife he does violate the marriage covenant he entered into with his first wife? Are the gentlemen prepared to say that? I will show what they do say on the question. Now, this same question came up in that same discussion before the Judiciary Committee of the House.

The CHAIRMAN. Permit me to ask you this question, without going into any of the secrets of which Mr. West spoke: Is there anything in the marital obligation, the marital contract, looking upon marriage as a state which is the result of a civil contract? If that is the true method of looking at marriage, is there anything in the contract which is made by the man with his first wife, upon which the relation of marriage is founded, which is different from the contract which he makes with his second wife?

Mr. CAINE. Nothing whatever. The ceremony is just the same, and the revelation upon celestial marriage, which I wish I had time to read, applies just as much to a man with one wife as he who marries two or more; that is, so far as entering into that order of marriage is concerned, and his hopes of eternal exaltation are proportionately just as great.

Then a little further along Mr. Richards, when interrogated, said:

Mr. RICHARDS. That Mr. Baskin may understand me, I will repeat what I stated before, that the marriages are all equally sacred in the opinion of the people.

The CHAIRMAN. In the ceremony; the circumstances creating them?

Mr. RICHARDS. Yes, sir; equally sacred and equally binding in their character. Now, if there was no law, I can not conceive how there could be a legal wife.

Mr. CAINE. I want to say in this connection—and I do not wish to be misunderstood—that the church and the people know no difference between the wives, only that the wife first married is the first wife, and, if she maintains her integrity, that is her place and no one can take it from her. But so far as the wives are concerned, as I told you, the ceremony binding them to their husbands is exactly the same, and their relationships to him are the same. They are all his wives.

Mr. WARNER. I think that has been stated before this committee—that the ceremony is the same.

Mr. BASKIN. Now, if it be so that the ceremonies in both cases are the same, then the element which is necessary to create a legal marriage in Utah—as there is no law on the subject, under the celestial marriage system the legal status of husband and wife does not and can not arise between parties married according to its ceremonies, therefore you can not prosecute a man for bigamy under such a marriage—a man marrying more than one wife, if he cohabits with them, is guilty of fornication and not polygamy. Now, I have this to say, that when you admit Utah as a State, the Mormon judges and Mormon prosecuting attorneys and Mormon jurors will interpret and execute the laws. With their views on celestial marriage would they not decide and hold that polygamy and bigamy are different from plural celestial marriage?

Mr. WARNER. I think I understood Mr. Caine to question the finding of the court where a man was convicted of adultery with a woman whom he claimed to be his wife. He thought that was an absurd idea

that a man could commit adultery with a woman he claimed to be his wife.

Mr. BASKIN. I am just coming to that question. Now, then, if there is any reasonable chance for them to construe that constitution in a way as not affect their practices, is it not a fair presumption that they will do it? We have precedents upon that point. I read from the Statute of Utah, on page 53:

Every person who commits the crime of adultery shall be punished by imprisonment not exceeding twenty years and not less than three years, or by fine not exceeding one thousand dollars and not less than three hundred dollars, or by both fine and imprisonment, at the discretion of the court. And when the crime is committed between parties any one of whom is married, both are guilty of adultery.

Now then, what are the elements which legally make up the crime of adultery? Why it requires cohabitation by a man having a lawful wife living with a woman who is not his lawful wife.

Mr. WARNER. And the converse of that of the woman?

Mr. BASKIN. Yes; and the converse of that for a woman. Now, I ask you to read that statute and tell me whether or not all the elements which make up the crime of adultery are not embraced in the crime of polygamy, where the husband has sexual intercourse with the plural wife? It requires less elements to create polygamy. Polygamy may be established without the proof of cohabitation with the second wife, because the solemnization of the second marriage is the gist of the crime. It is simply this, sometimes it happens in law that a greater crime includes many lesser crimes. Now, it fell to my lot at an early day to perform the functions of district attorney in Utah. As soon as there was a grand jury empaneled my first effort was to strike at the head center of this institution, and so I indicted a number of men, including Brigham Young and George Q. Cannon, under this law against adultery. I started in with a great deal of enthusiasm to indict these men under the law of 1862 against polygamy, but after working at it with all the energy in my power for several weeks I found I could not make out a case of polygamy against them. It was impossible to get proof for the reason the essence of the crime under the law of 1862 against polygamy was the solemnization of the marriage, and as the solemnization of plural marriages in Utah was consummated under oaths of secrecy in the endowment house of the church, therefore, though evidence of adultery was attainable, I could do nothing towards prosecuting persons living in polygamy.

Mr. WARNER. Pardon me for a moment, as this is rather an interesting question. I understood you conducted a case against Brigham Young. Could you produce witnesses upon the stand who testified that Brigham Young lived with a woman, that he had her at his house, and he heard him state she was his wife? Was that competent evidence to show such a marriage?

Mr. BASKIN. That would be competent evidence, probably, to establish the first marriage, but they never do that in relation to the second marriages. They take good care to deport themselves so that testimony on that point can not be obtained. I believe that the law would imply a contract from the acts of parties who should hold themselves out as husband and wife and cohabit together as such.

Mr. WARNER. Just a moment there. Is it necessary in bigamy or polygamy to prove what is called the solemnization of marriage by a civil officer?

Mr. BASKIN. No; but the defense, in cases of celestial marriages, could prove the real ceremony that occurred between the parties and that

would end the prosecution. If the prosecution proved a *prima facie* case the defense could by way of rebuttal show that the contract actually made and solemnized could not legally create the status of marriage or make the parties husband and wife.

Mr. WILSON. I thought you said a while ago the ceremony was the same in all cases.

Mr. BASKIN. They are the same.

Mr. WILSON. Where is the difficulty?

Mr. BASKIN. When it is shown that the ceremonies with either the first or the second wife could not give rise to the status of husband and wife, the parties might be convicted for fornication, but not for bigamy or polygamy.

Mr. WILSON. The point is this: Each ceremony permits a man to take more than one wife, and it is a marriage.

Mr. BASKIN. Yes, sir; he may take two at the same time. Suppose a man marries two under that system at the same time, how could he be convicted of bigamy or polygamy?

Mr. WILSON. Then he is not married to any of them.

Mr. BASKIN. He is not in the other case, because the ceremony necessary to make a legal marriage has not been performed. The parties never entered into the contract of marriage.

Mr. RICHARDS. I want to ask Mr. Baskin whether that has been interposed as a defense in any prosecution for adultery?

Mr. BASKIN. If I was defending one of your people I would do it.

Mr. RICHARDS. But it never has been done.

Governor WEST. You have not stated the result of your prosecution under the act of adultery.

Mr. BASKIN. Under this act to punish adultery I indicted Brigham Young and George Q. Cannon. It raised a great big row.

Mr. BAKER. You did not convict?

Mr. BASKIN. No. It was decided in the case that the grand jury had been illegally gotten together and the indictments were quashed, all except in one case. I convicted Mr. Hawkins of adultery under that statute, and afterwards there was another man convicted in another district, and when it was made to appear that the provision relating to adultery applied to plural marriage, as soon as their legislature could do so the act was repealed; and the reason assigned is shown by the following extract. They repealed it in 1876, and there has not been any law upon the subject of illegal commerce between the sexes from that day until this, until one was passed by Congress. I read from the Deseret News, February 23, 1882:

In 1876 the penal code was passed.

It repealed the old statute in relation to crimes and punishments, and does not contain the former provisions against adultery and lascivious cohabitation.

For what reason?

One reason is that the penal code, as stated above, prepared by members of the bar, indorsed by Federal judges, and approved and signed by the governor, superseded the old law with all of its provisions.

Another reason is that the penalties designed to meet cases of adultery and lascivious cohabitation were turned with evil intent against people living in plural marriage, and therefore the legislature was quite willing the old law should go if the new one suited the bar and courts, and thus the cause of vexatious proceedings could be removed.

We were all in favor of a criminal code, and the lawyers and judges indorsed the criminal code of California, but in the enrollment the provisions upon illegal sexual commerce between the sexes were left out of the code, and it was passed and sent to the governor without his knowing of the omission.

Mr. WILSON. It would probably save time if you would state that what you have termed repealed was not simply this, that the laws as they had previously existed were superseded by the adoption of a code, which code was the code of California.

Mr. BASKIN. Yes, sir; and they left this out entirely, that provision which should be in the law.

Mr. WILSON. They simply made a new code, adopting the California code and following it literally?

Mr. BASKIN. But I think the California code has a provision against adultery.

Mr. RICHARDS. I think there is no such provision in the code from which ours was taken.

Mr. WARNER. What section is that?

Mr. BASKIN. Adultery and fornication.

Mr. STRUBLE. What date would that be?

Mr. BASKIN. In 1876 we adopted the code.

Mr. WARNER. I assume there is no State in the Union that has no provision against bigamy and adultery.

Mr. BASKIN. Now, sir, the point is this: Mr. Caine stated that the law against adultery does not apply to their practice. Cohabitation by a man with a plural, while living with his legal wife, contains all of the elements necessary in the commission of that crime. Now, if they are so adroit in construing the laws to protect their peculiar institutions, give them the powers of a State under this provision in the constitution, and what will be the result. Again, the clause in the constitution prohibiting its amendment without the consent of Congress is void. I will not delay the committee long on that point.

The tenth article of the amendments of the Constitution reads thus:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

One of the rights thus reserved is the right of each State in the Union to amend its constitution. There is no doubt of it. Now, suppose you admit Utah under the proposed compact, can not she amend the State constitution as regards bigamy and polygamy. They say not. Now, that language of the Constitution of the United States just read is general, and applies to all the States with the same force and effect.

When Utah comes into the Union the provisions of that Constitution will apply to it with the same force and effect that it applies to every other State; it will have all the rights and privileges of every other State in the Union; and inasmuch as the other States have the right to change their constitutions, I think Utah, if admitted, will have the same right. If not, the uniform operation of the clause of the Constitution of the United States just read is destroyed.

Mr. BAKER. Do you think it could be accomplished by an amendment to the Federal Constitution?

Mr. BASKIN. There is no doubt about that.

Mr. BAKER. But without that it would not be.

Mr. SYMES. You contend, then, that it would be a mere violation of good faith in a contract, but there would be no way to prevent it.

Mr. BASKIN. There would be no way to prevent it, exactly. Now I am going on very rapidly. I say the members of this theocracy take the oath of allegiance to the church.

Mr. STRUBLE. All the members of the church, men and women?

Mr. BASKIN. All the members of the church, men and women. All that go through the endowment house.

Mr. STREUBLE. You say all the church members who subscribe to the doctrine of the church.

Mr. BASKIN. Yes, sir. Now, Mrs. Stenhouse, in her book, says she went through it, and I will read what she says:

Then we were taught certain pass-words and grips, and then we were all arranged in a circle; the women covered their faces with their veils and we all knelt down and with our right hands upheld toward Heaven we took the solemn oath of obedience and secrecy. We swore that by every means in our power we would seek to avenge the death of Joseph Smith, the prophet, upon the Gentiles who had caused his murder, and that we would teach all our children to do so. We swore without murmur or questioning we would implicitly obey the commands of the priesthood in everything. We swore that we would not commit adultery, which with reference to the men was explained to mean the taking of wives without the permission of the holy priesthood.

And we swore that we would not under any circumstances reveal that which transpired in the endowment house. The penalty for breaking this oath, which was worded in the most startling and impressive way, was then explained to us. His bowels were, while he was yet alive, to be torn from him, his throat was to be cut from ear to ear, his heart and tongue were to be cut out, and in the other world everlasting damnation would be his portion.

Mr. WARNER. Who is this?

Mr. BASKIN. Mrs. Stenhouse.

Mr. WARNER. Who is she?

Mr. BASKIN. She was the wife of Elder Stenhouse and has apostatized from the Mormon Church.

Mr. WARNER. I judged that.

Mr. CAINE. The writings of Mrs. Stenhouse are no more reliable than those of her husband. As apostate Mormons neither of them are entitled to credit upon anything relating to that people.

Mr. BASKIN. The following statement was made before the Judiciary Committee of the House, in the argument of the Edmunds-Tucker bill, by a lady who was present ready to verify her statement under oath:

Joseph Smith then came to where we were waiting and told us that if we wanted to back out now was our time, because we should not be able afterward; that we were bound to go through. All who wanted to go through were to hold up their hands. Of course every one did, believing that all of the good and holy things that were to be seen and heard in the house of the Lord were yet to come. He then told us that if ever any of us attempted to reveal what we saw and heard in the house our memories would be blighted, and we would be everlastingly damned, for they were things too holy to be spoken of between each other after we had left the endowment house.

They then proceeded to give us the first grip of the Aaronic or lesser priesthood, which consists of putting the thumb on the knuckle of the index finger and clasping the hands around. We were then made to swear to obey the laws of the Mormon Church and all they enjoined in preference to those of the United States. The penalty for revealing this grip and oath is that you will have your throat cut from ear to ear and your tongue torn from your mouth, and the sign of the penalty is drawing the hand with the thumb pointing towards the throat sharply across and bringing the arm to a level of the square, and with the hand upraised to heaven swear to abide the same.

They then proceeded to give us the first grip of the Melchizedeck or higher priesthood, which is said to be the same that Christ held. The thumb is placed on the knuckle of the index-finger, which is placed straight along the hand, while the lower part of the hand is clasped with the remaining fingers. The robe, for this grip, was changed from the right to the left shoulder. We were then made to swear to avenge the death of Joseph Smith, the martyr, together with that of his brother Hyrum, on this American nation, and that we would teach our children and children's children to do so. The penalty for this grip and oath was disembowelment.

Mr. WARNER. With the judge's permission, I would state that these matters should all go in the record; and as it is a very short time before 12, I would make the suggestion that the judge do not read more than necessary, but let them go in afterwards.

Mr. BASKIN. There is one more point I will elaborate, and then close.

Mr. BAKER. It is understood that the judge can extend his remarks in regard to his quotation.

Mr. BASKIN. Their revelation justifies falsehood and perversion of facts. Falsehoods always have been resorted to by members of that church when necessary to mislead and deceive the outside public. That is a pretty broad statement, but I will prove it by their own records. I read from the Deseret News, May 26, 1888:

The revelation of celestial marriage, published in the doctrines and covenants, was given July 12, 1843. The principles it contains, with further intelligence on the subject, was revealed to the prophet many years before, but not formulated in writing for the church. Acting under instructions from the Lord, the prophet had several wives sealed to him before the date of the revelation.

Before this revelation was given to this prophet he was in polygamy, according to this statement. There is another witness here, William Clayton, who transcribed the revelation of polygamy, who states he married Joseph Smith to some wives, and that Joseph Smith married him to a plural wife and afterwards married him to his lawful wife, so polygamy was practiced before the revelation.

In the month of February, 1843, Joseph informed me that he had other wives living besides his first wife Emma, and in particular gave me to understand that Eliza R. Snow, Eliza Beaman, Desdemona Fuller, and others were his lawful wives in the sight of Heaven. On the 27th of April, 1843, the prophet Joseph Smith married me to Margaret Moon for time and eternity at the residence of Heber C. Kimball, and on the 22d of July, 1843, he married to me, according to the order of the church, my first wife, Ruth. On the 1st day of May, 1843, I officiated in the office of elder by marrying Lucy Walker to the prophet Joseph Smith at his own residence. During this period the prophet took several other wives. Amongst the number I well remember Eliza Partridge, Emily Partridge, Sarah Ann Whitney, Helen Kimball, and Flora Woodworth. These all he acknowledged to me were his lawful wedded wives according to the celestial order.

The revelation was given in 1843, and they all admit from that time on it was practiced. Now this appears in the Times and Seasons, February, 1844:

Notice.—As we have been creditably informed that an elder of the Church of Jesus Christ of Latter-Day Saints of the name of Hiram Brown has been preaching *polygamy and other false and corrupt doctrines* in the county of Lapeer, State of Michigan, this is to notify him and the church in general that he has been cut off from the church for his *iniquity*, and he is further notified to appear at a special conference on the 5th of April next to make answer to these charges.

JOSEPH SMITH,
HIRAM SMITH.
Presidents of the Church.

Now that was in 1844, after the revelation of polygamy, and after Joseph Smith was living in it, and when one of their members declared the doctrine he was cut off from the church. John Taylor denied that doctrine and Parley Pratt denied it. John Taylor, in his discussion with some ministers when they charged him with the practice of polygamy in a discussion in 1850—it was not disclosed to the world until 1852—in answering the charges, said:

We are accused here of polygamy and actions the most indelicate, obscene, and disgusting, such as none but a corrupt and depraved heart could have contrived. This is too outrageous to admit of belief; therefore, I shall content myself by reading our views of chastity and marriage from a work published by us, containing some of our articles of faith, Doctrines and Covenants, page 330, section 4: "Inasmuch as this church of Jesus Christ has been reproached with the crime of fornication and polygamy, we declare that we believe that one man should have one wife, and one woman but one husband, except in cases of death, when either is at liberty to marry again."

Mr. Caine admitted in his argument before the judiciary that polygamy was practiced from 1843 up to that time, and after it was made

public in 1852. At the time John Taylor made this denial he was in polygamy himself and had several wives.

Mr. STRUBLE. You use that to prove his untruthfulness; that is one point?

Mr. BASKIN. I use that to prove that when it was necessary to blind the world in relation to matters the church desires to keep secret, the leaders do not hesitate to resort to falsehood, misrepresentations, and concealment.

Governor WEST. Who was John Taylor?

Mr. BASKIN. He was one of the twelve apostles.

Governor WEST. What did he become afterwards?

Mr. BASKIN. He became president of the church. These gentlemen say polygamy has been abandoned; we say it has not been, but they keep the solemnization of it more skillfully covered up for the purpose of misleading the nation, in order that they may obtain statehood, by which they can perpetuate the Mormon system.

Now, in regard to these prevarications, in answer to these charges the Deseret News of May 6, 1886, explains away this action in this way:

Until the open enunciation of the doctrine of celestial marriage by the publication of the revelation on the subject in 1852, no elder was authorized to announce it to the world. The Almighty has revealed things on many occasions which were for his servants and not for the world. In the rise of the church the Lord had occasion to admonish his servants in regard to revelations that were afterwards permitted to be published. I say unto you, hold your peace until I shall see fit to make all things known unto the world concerning the matter. And, now, I say unto you, keep these things from going abroad into the world until it is expedient to me. But a commandment I give unto them, that they shall not boast themselves of these things, neither speak of them before the world, for these things are given unto you for your profit and your salvation. Under these instructions the elders had no right to promulgate anything but that which they were authorized to teach; and when assailed by enemies and accused of practicing things which were really not countenanced in the church, they were justified in denying those imputations, and at the same time avoiding the avowal of such doctrines as were not yet intended for the world. *This course which they have taken when necessary, by commandment, is all the ground which their accusers have for charging them with falsehood.*

In Mormonism, by Elder Hyde, pages 13 and 14, is the following:

Mormonism in England and Mormonism in Utah are two very different systems. In England all its objectionable principles were not only ignored but denied. Its apostles not only uttered negative but positive falsehood in order to induce belief. They not only denied many things that were true, but said many things that were utterly false. As a sample of this falsehood, I will instance polygamy. This was practiced by Joseph Smith in 1838, and the Mormon apostles knew it. Yet when the church was charged with its adoption, Parley P. Pratt, who was one of the twelve, in Manchester, England, before the general conference of the European churches, and in the Millennial Star of 1846, thus publicly denounced it: "Such a doctrine is not held, known, or practiced as a principle of the Latter-Day Saints. It is but another name for whoredom, and is as foreign from the real principles of the church as the devil is from God." (Millennial Star, volume 6, page 22.)

Brigham Young, in a sermon delivered in the tabernacle, November 9, 1856 (Journal of Discourses, volume 4, page 77), said:

I have many a time in this stand dared the world to produce as mean devils as we can. We can beat them in everything. We have the greatest and smoothest liars in the world, the cunningest and most adroit thieves, and any other shade of character that you can mention. We can pick out elders in Israel right here who can beat the world at gambling; who can handle the cards, cut, and shuffle them with the smartest rogue on the face of God's footstool. I can produce elders here who can shave the very smartest shavers and take their money from them. We can beat the world at any game. We can beat them because we have men here that live in the light of the Lord and have the holy priesthood and hold the keys of the kingdom of God. But you may go through all the sectarian world and you can't find a man capable of

opening the doors of the kingdom of God to let others in. We can do that. We can preach the best, pray the best, and sing the best. We are the best-looking and finest set of people on the face of the earth, and they may begin any game they please, and we are on hand and can beat them at anything they have a mind to begin.

Now at the time the prophet cut this man off from the church he was in polygamy. At the very time Pratt and Taylor made these denials they were in polygamy, and they were aware of the revelation. They intended to deceive the world, and so did Smith, by these falsehoods. I say, gentlemen, when they come to you and say polygamy in Utah is dead that it is not true. The assertion is made simply to throw dust in your eyes and dust in the eyes of the nation. If I believed that polygamy, bigamy, and theocratic rule were at an end in Utah nothing would give me greater pleasure than to advocate the admission of the Territory as a State.

I will close, but there are some other points I will furnish the reporter.

Mr. BAKER. You were referred to at one time as a candidate for Congress.

Mr. BASKIN. Yes.

Mr. BAKER. Were you nominated by the Republicans of the Territory?

Mr. BASKIN. Oh, no; I have always been the candidate of the Liberal party. I organized that party. When I went to the Territory I got the Gentiles together and organized the Liberal party. There was only a few of us then.

Mr. BAKER. You had two organizations, Democratic and Republican?

Mr. BASKIN. No; only one organization. We said, here is a local evil which strikes at republican principles; we will unite our forces and overcome it; if not, it will become a perpetual institution in our country. While I was a Democrat, I believe a majority of those who acted with me in the organization were Republicans; but they indorsed me as their candidate for Congress two or three times. I think the most hearty supporters I had were Republicans. Republicans have run and the Democrats have most heartily supported them. This is a question that overshadows party questions among the non-Mormon population.

I add the following quotations on the doctrine of blood atonement, which will speak for themselves. In Journal of Discourses, volume —, page —, Jediah M. Grant, who was one of the twelve apostles, says:

All mankind love themselves, and let those principles be shown by the individual and he would be glad to have his blood shed. This would be loving ourselves even unto an eternal exaltation. Will you love your brother and sister likewise when they have a sin that can not be atoned for without the shedding of blood? Will you love that man or woman well enough to shed their blood? This is what Jesus Christ meant. He never told a man or woman to love their enemies in their wickedness. He never meant any such thing. His language is left as it is for those to read who can discern between truth and error. It is so left for those who can discern the things of God. I can refer you to plenty of instances where men have been righteously slain in order to atone for their sins. I have known a great many men who have left this church for whom there is no chance whatever for exaltation. But if their blood had been spilt it would have been better for them. The wickedness and ignorance of the nation forbids this principle being in full force, but the time will come when the law of God will be in full force. This is loving our neighbors as ourselves. If he needs help, if he wants salvation, and it is necessary to spill his blood on the earth in order that he may be saved, spill it. If you, who understand the principle or doctrine; if you have sinned the sin requiring the shedding of blood, except the sin unto death, you should not be satisfied or rest until your blood should be spilt, that you may gain the salvation you desire. This is the way to love mankind.

Light and darkness can not dwell together. So it is with the kingdom of God. Now, brethren and sisters, will you live your religion? How many hundreds of times have I asked the question, will the Latter-Day Saints live their religion?

In the tabernacle, March 12, 1854, he further said :

Then what ought these meek people, who keep the commands of God, do unto them ? Why, one says they ought to pray unto the Lord to kill them. I want to know if you would wish the Lord to come down and do your dirty work ? Many of the Latter-Day Saints will pray and petition and supplicate the Lord to do a thousand things they themselves would be ashamed to do. When a man prays for a thing, he ought to be willing to perform it himself. But if the Latter-Day Saints should put to death the covenant breakers, it would try the faith of the very just, meek, and pious ones among them, and it would cause a great deal of whining in Israel. But there is the commandment. The Lord commanded them not to pity the persons whom they kill, but to execute the laws of God upon persons worthy of death. This should be done by the entire congregation, showing no pity.

I have thought there would have to be quite a revolution among the Mormons before a single commandment could be obeyed completely by them. The Mormons have a great deal of sympathy. For instance, if they can get a man before the tribunal administering the laws of the land, succeed in getting a rope around his neck, and have him hung up like a dead dog, it is all right. But if the church and kingdom of God should step forth and execute the law of God, oh, what a burst of Mormon sympathy it would cause. I wish we were in a position favorable to doing that which is justifiable before God without any contaminating influence of Gentile amalgamation, law, and traditions ; that the people of God might lay the ax at the root of the tree, and every tree that brings not forth good fruit might be hewn down. What, do you believe the people would do right in keeping the law of God by actually putting to death the transgressor ? Putting to death the transgressor would be exhibiting the law of God, no matter by whom it was done. That is my opinion.

Both the Deseret News and the journals of discourses contain many other sermons of like import.

COMMITTEE ON TERRITORIES,
Saturday, January 19, 1889.

The committee met pursuant to adjournment and proceeded to hear further argument.

ARGUMENT OF HON. M. A. SMITH,

Delegate from Arizona.

Mr. SMITH said :

Mr. Chairman and gentlemen of the committee: While ignorant of the Mormon faith I am somewhat acquainted with the Mormon people, and while ignorant of their creed I know their conduct. I am not here to criticise any religious belief, no matter how far it may diverge from mine, but I am here for the purpose of briefly filing my protest against the persecution of any people on account of their religious belief. While religion is sacred to the soul of the believer, civil liberty is the birth-right of every American citizen, and whenever it is stabbed the life blood of our matchless Republic flows from the wound.

Polygamy is a crime under the law and should be punished as the law directs. But simply belief in polygamy is no more a crime than any other mere mental conclusion. I am of those who believe that polygamy will find its burial in the statehood of Utah. The world moves, and our world moves westward. With proper safeguards against amendment the constitution of Utah so far as it prohibits polygamous marriages will secure forever its prohibition in that State, and insure conviction in Federal courts. What more can we ask in the face of the promises which have been made us ?

Is this committee ready to say that every Mormon promise is made in order to be broken ? If so, I beg to place my experience with these people against your conjectures. There are many of these people in Arizona, and I have taken occasion to study somewhat closely the effect of their peculiar belief on citizenship. I was for a time district attorney in Cochise County, Ariz. During my term of office no Mormon was ever called to plead to any indictment, for no Mormon was accused of crime, so far as I know, even before a justice of the peace.

In my practice of the law, covering some seven years in Arizona, I know of no indictment in my county against a Mormon—save one—and he was cleared, there being no evidence against him. He was tried for malicious mischief, in doing, in a certain water-right case, what he had the legal right to do. In my Territory they have the just reputation of being an industrious, law-abiding and law-loving people, unassuming in their habits, sober in their lives, honest in their dealings. They are in no sense, or by any standard, unworthy of American citizenship in its broadest sense. Of all people with whom I have come in contact they—if you will permit the paraphrase—of all others—

Along the hot and sandy plains of life
 They keep the noiseless tenor of their way..

I am free to say that in Arizona they are very different from the people of that faith as pictured by my friend (Mr. Dubois), the Delegate from Idaho. Prejudice is still abroad in the land. Fanaticism still runs rampant.

I have great respect for my friend from Idaho (Mr. Dubois), and in common with him desire to see his Territory and mine soon admitted to the Union of States; but I go further than he, in desiring to see every Territory stripped of the villainage under which they labor, and place additional stars in the field on our national banner. America can take care of polygamy. It will die of itself. The author of that most wonderful of all poems, *Paradise Lost*, in his prose works reviews this question fully, and I commend his wise conclusion to your consideration. He simply demonstrates the impossibility of general polygamous relations in a thickly settled community. What killed it among the Jews? What has killed it among all modern nations? Population. The same will do it in Utah.

But it is claimed that polygamy is not the question that disturbs, but it is ecclesiastical interference in secular affairs—church domination of the state. Is this worthy of your consideration? Does not this alarm arise from a minority, who want the prestige of power and thus far have been unable to obtain it? There is no possibility of any church dominating for any length of time any State in this great Union.

The foundation of our Republic is not shaken by the Mormon faith. The Constitution guaranties protection. Then why this alarm, when we remember that thirteen States, locked together in the strong embrace of fraternal affection and a common interest, battled in vain with dauntless courage against the union? The Jews hoped under their theocratic government to dominate the world. They were ordered by the King of Kings to invade the land of Hittites and Jebusites and destroy men, women, and children, yea even the babe at the breast. This is not all. Peter looked forward to the establishment of a politico-ecclesiastical kingdom on the earth, and when it came not, thrice denied his God. The mother of two of the Apostles went to Christ, praying that when He came into His earthly kingdom one of her sons should sit on His right and the other on His left. Yet the church of which Peter is the foundation stone (whatever of the many churches that may be) has not seriously affected any of our State governments. Neither will the Mormon creed. We have heard much of Gentile proscription by the Mormons. We have seen much of Mormon proscription by the Gentiles.

It is thus far a simple question of majority. Statehood is the simplest, plainest, straightest, and the proper road to a quick settlement of our differences. I think Utah honest in its effort to secure the blessings of statehood. I believe they are sincere, and believing dare maintain, even in opposition to the advice of some friends of mine on this committee. If you gentlemen had suffered in your States as we have suffered in my Territory from Federal interference in our simplest affairs; if you had endured as we endure a swarm of carpet-bag office-holders with no interest in common with ours; if you had borne the thousand burdens we bear, suffered the indignities we hourly meet under this infamous Territorial rule, you would with me say, give all the Territories statehood, even if populated by Hottentots, and trust to the manhood of America and the promiseful future to rub off all angularities and heal all wounds.

ARGUMENT OF MR. WILSON.

ADMISSION OF UTAH AS A STATE.

Mr. WILSON said:

Mr. Chairman and gentlemen of the committee: In making the concluding argument in favor of the admission of Utah as a State under the constitution which has been presented to you, I assume that you will expect of me that I shall confine myself to the material considerations that have been urged in opposition; and this I shall endeavor to do. And as I am doing so I desire you to remember that the world moves.

There are, however, some things in connection with this opposition to which I desire briefly to allude before I proceed to the discussion of such as I deem of greater and real consequence.

We have here opposing this admission, first, the Territory of Idaho, appearing not only in the form of a memorial or remonstrance from her legislative assembly, but also, as represented through the argument of her Delegate in Congress, and who has read in support of his views a report of a committee of that legislature in a contested election case to which I will hereafter allude. We have also, second, the governor of the Territory of Utah in his official capacity, through the medium of a report, that he has made as governor, and which is legitimately before you for your consideration.

We have, again, third, the governor himself, not as governor, but as a private citizen, as he himself describes himself, as a citizen of the United States, and as an individual invited by the Gentiles of Utah to appear before you and represent their side of this controversy. I may be permitted, I trust, to remark without offense (for none is intended) that Governor West appears in this dual capacity. He is, so to speak, Doctor Jekyll when he is in Utah discharging his executive duties as a governor, but when he lays aside his official robes, and the duties of the executive of that Territory are left in the hands of the secretary, who is now governor, and comes here, I will not say (because that might be offensive) that he is Mr. Hyde, but I will say that he is here not as governor but as a citizen alone, and his utterances here as a citizen have precisely the same weight that those of any other citizen would have who has only had his opportunities to inform himself in respect of the situation in Utah.

And I wish further to remark that I am exceedingly glad that he is here, and that he has made his statement before you, because that statement is a calcium light turned upon his report. And from the statement that he has made here, you will be enabled to determine the weight that is to be attached to his official report, for presumably that official report was made upon the strength of the information which he has detailed in your presence, and the opinions he has expressed. And as to that official report, I shall have something to say as I pass along.

I pause right here, gentlemen of the committee, to say that when the governor assures you that he believes that if the Mormon Church would command the fathers and mothers of Utah to sacrifice their first-born they would obey that command, I think it throws a great deal of light upon the question as to how much credit is to be given to the views,

opinions, and statements of fact that are made by the gentleman who makes that assertion in your presence.

Then we have, fourth, the individuals who have been sent here by the remonstrants, whose presentation of the case in opposition will have that consideration which the facts they present will warrant; and you, from what they have stated, will determine what weight is to be attached to the opposition that they make. As to some of these I shall have something to say presently.

Then, again, you have in opposition, and I frankly admit it, fifth, what may be called the "public sentiment" of the country, which is entitled always to great respect, because the aggregate sentiment or opinion, which we commonly call "public opinion," is generally entitled to much higher consideration than any individual opinion. A single man may be utterly wrong, although his character and intelligence may be of the highest order and his judgment entitled to great consideration, and if the aggregate of public opinion is against him it is a strong indication that he is in the wrong.

But while this is so as to the weight that is to be attached to public opinion, it is always well to ascertain whether or not that public opinion is founded upon an accurate knowledge of the facts upon which that public opinion rests. I shall attempt to show you that that opinion is not justified by the present condition in Utah.

As to one of these opponents, the Territory of Idaho, I have a word, in passing, to say.

The distinguished gentleman who represents Idaho in the House of Representatives as her Delegate has presented to you a memorial coming from the legislature of that Territory, in the nature of a protest against the admission of her sister Territory, Utah, and has likewise presented to you a report made by a committee of the legislature of that Territory in a contested election case. And he presents this memorial and this report for the purpose of showing that Utah is unfit to be a State in this Union.

It is, under the circumstances, therefore, not improper that I should invite your attention to the precise facts involved in the case with reference to which this report was made, and thereby I hope to show you that Idaho is in no position, when the light is turned upon her, to assert that Utah is unfit to occupy the position which she is seeking under this constitution. I want to show what the report is worth, and thereby to show what the memorial is worth.

Idaho asserts that the whole scheme of the Mormon system is antagonistic to free government, and that, in point of fact, is the contention, the main contention, throughout this entire dispute, and which I will hereafter consider. The case to which I have referred is, in brief, this:

Idaho had passed a law which required that a citizen before casting a vote should take an oath that he did not belong to any order, organization, or association which teaches, advises, counsels, or encourages members, devotees, or any other person to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or resulting from membership in such organization or association, or which practices bigamy, or polygamy, or plural or celestial marriage as a doctrinal rite of such organization.

Prior to the election out of which the case to which the Delegate has referred arose, and the report in which case he has read in the hearing of this committee, some six or seven hundred Mormons in Idaho dissolved their connection with the Mormon Church, and that dissolution was accepted by the church; and they thereby became as absolutely

free and absolved from that church as any gentleman on this committee here to-day.

Mr. DUBOIS. I would like to ask you how they dissolve their connection with the church; did they do it on their own request?

Mr. WILSON. I am simply stating the facts in this case.

Mr. DUBOIS. I beg your pardon, but you are not stating the facts when you state that the church did not dissolve their connection with it.

Mr. WILSON. I am stating facts that come from one of the highest citizens of Idaho. They do not come from my clients, but I get them from a gentleman who is the peer of the distinguished Delegate from the Territory of Idaho.

Mr. DUBOIS. I will just state in opposition to my peer that the church dissolved these members without any request from the members themselves. Then, you see, this is a question of veracity.

Mr. WILSON. Well, we will see. Certificates filed with registration officers show that these people sent in their resignations as church members and they were endorsed by the bishop as accepted. But that is not material, as you will see in a moment. I do not care how it is done, but their connection with the church was absolutely dissolved at their own request, and I challenge any gentleman in this regard to say that that is not so.

After that dissolution these people presented themselves, for the purpose of casting their votes, in a certain legislative or council district, composed of the counties of Bear Lake, Oneida, and Cassia, and they each and all took this prescribed oath, severe and un-republican and un-American as it is. For whom they voted nobody knows but themselves, or ever did know. It is not known to this day.

Mr. DUBOIS. Excuse me, please, but that is not a fact as it appears on the record out there.

Mr. WILSON. Oh, no, gentlemen, I will show why it does not appear of record out there, if my friend will just possess his soul in patience.

Mr. DUBOIS. I would like to have support for that statement.

Mr. WILSON. I will give the support for it. But I will quote here what the governor of Idaho says about the Mormons in his Territory in his official report to the Secretary of the Interior, of October 20, 1888:

Paris has a population of about 1,500, all Mormons, and there is not a saloon or gambling house, or any other place where intoxicating liquor is sold, and this is, I am told, the case in all the towns in Idaho where these people have exclusive control.

In traveling through the Mormon settlements one is at once struck with their improvements and the certainty that they are persevering and industrious; their country towns and villages are thrifty, and their farms well cultivated. Their buildings are generally substantial, and many of them stylish, with all the modern improvements that make a country look progressive and prosperous; and I believe these people are, as a rule, frugal, industrious, and honest.

I am informed by men high in authority in the Mormon Church, and in whose word I have the highest confidence, that they are willing to live up to the laws (which they claim are now being fairly and more humanely administered) and that the doctrine of plural marriages is not now practiced as formerly, or taught either publicly or privately, and that they do not teach, advise, counsel, or encourage the practice of polygamy or bigamy.

Now, a certain gentleman by the name of Lamereaux was a candidate for the legislative council in these counties, and he was returned elected. He appeared at that council, and without objection was sworn into office. The laws of the Territory of Idaho require that where an election is to be contested notice shall be given of such contest within ten days after the result of the election is announced. No such notice was given in this case; but after Mr. Lamereaux had been not only returned elected, but had actually taken the oath of office, and was enjoy-

ing his seat, as of right he might; on the same day that he took his seat a committee on privileges and elections was appointed, and on the next day Mr. Sparks, who had been the opposing candidate at said election, filed with this committee on privileges and elections a paper in which he claimed that the seat occupied by Mr. Lamereaux should be occupied by him, and alleged in that paper that a large number of illegal votes had been cast for Lamereaux at the election. No particulars whatever as to illegal voting were given therein, nor was there any notice of contest given as required by law.

And to make this recital brief, I say to you, upon information that I regard as being thoroughly reliable and incontestable, that that committee not only refused to hear any evidence on the part of the sitting member, Lamereaux; did not even take any testimony about the facts in the case, and with great promptness, Lamereaux, clamoring to be heard, by himself and through his attorney, made a report which has been read here in your hearing. They had no proof as to how any one of these people voted. They took it for granted that, having once been Mormons, although they had absolved themselves from all allegiance to or connection with the church, and although they had taken this oath, and without any evidence whatever that that was not done in absolute good faith, they proceeded to declare these people illegal voters, and upon such a state of facts as I have given you they unseated Lamereaux and seated his opponent.

That is the legislative council that memorialized the Senate and House of Representatives not to admit Utah. Idaho, I believe, has not yet got in the omnibus as a passenger; she is simply sitting on the rumble tooting vigorously a most discordant horn. Gentlemen, I have to say that so far as I am concerned, I want to see Idaho and all these Territories made States in this Union, for reasons I will present to you as I go along.

Mr. BAKER. It is too late to amend the omnibus bill.

Mr. WILSON. It is probably too late for that, but it will come around after a while; the world moves, and "don't you forget it."

If you doubt what I have said here, and if un-Americanism, anti-republicanism, and a scheme or system that is antagonistic to republican government is to weigh with you when you come to consider as to the admission of a Territory, I respectfully submit that you might well inquire, when Idaho comes to be an applicant for admission, whether the methods of government that prevail in that Territory, as exhibited in the proceedings I have referred to, and which resulted in the report the honorable delegate has read, are not too un-American and anti-republican to justify you in admitting her to the sisterhood of States or listening to any remonstrance coming from her.

And I further most respectfully submit that with a record like this, a memorial from that law-defying as well as law-making body may be received with some scruples, and that it is unbecoming in Idaho to come here in the nature of a protestant against the admission of Utah. If such performances as these could have been brought against Utah these gentlemen would have "set the wild echoes flying."

Further, in passing, I want to notice another thing. It has been stoutly denied here that there is or would be any ostracism by Gentiles of Gentiles if they should present themselves here in the attitude of favoring the admissions of Utah. That denial has been set at rest forever by admissions of the Delegate from Idaho in the remarks that he made in this presence.

In the light of what he has said to you, there will be no difficulty on

your part in coming to the conclusion that any man who favors anything that the Mormons do in Utah is ostracized, and the brand of "Jack-Mormon," a term of odium, is at once put upon him. And if any gentleman doubts that a Gentile in Utah dare not express his sentiments in favor of admission as a State, I commend him to the editorials of the leading anti-Mormon newspaper in the city of Salt Lake in respect to some gentlemen who have the honor to occupy seats in the House of Representatives—Democratic members—in the face of which the governor has appealed earnestly to members to act as Democrats in respect to this matter, instead of seeking as the governor of that Territory to place this matter upon the high plane to which it belongs. As newspaper literature seems to be in order in this discussion, permit me to read one editorial from the Salt Lake Tribune:

Whatever may be the outcome of the conspiracy to give this Territory Mormon statehood, the men who brought around that caucus of the Democratic members of the House of Representatives should be remembered and marked on the black-list for all time to come. There is more connected with it than a partisan desire to gain advantage. When a man like Speaker Carlisle or Sunset Cox deliberately proposes to create a Mormon State in this Republic, no matter under what pretense, it is an advertisement that the man himself is deficient in the moral attributes essential to good citizenship.

When they write that kind of stuff of such men as are named here, what think you they would do if some business man in Utah, although he conscientiously believed that the true interests of that Territory demanded statehood, said so? What would they not say of him? Does he not know just what they would say of him, and does he not know that he would be ostracized? Does he not know that no limit would be placed upon the abuse and obloquy that would be heaped upon him? This editorial continues as follows:

It is a notice served by him on the world that a gross and coarse heart is throbbing under his fine linen; that to him the distance between a pure and an impure woman is not very great, and that he does not realize what the American home is to America. Men so constituted may have big brains, but when put to a supreme test they will always fail. The men who engineered that caucus knew that if they could carry out their scheme they would be fastening something upon our nation which would place one-thirtieth of the area of this Republic under the absolute dominion of the priests of a bogus creed, and draw the protection of State lines around an institution that substitutes the Asiatic harem for the American home. Hence we say such men by the act brand themselves as untrue to the mothers who bore them and to the country which protects and honors them; and that, this being so, it is the duty of true men, not only to denounce them now, but to follow them to their homes, and whenever they may in future aspire to any office to denounce them to their constituents as unworthy to receive the honors which they seek. It is a matter above all partisanship; it is a matter of manhood and Americanism, a matter of moral status and personal character. Will anybody pretend that when that kind of abuse is heaped upon such men as these they would spare a Gentile of Utah who would open his mouth in favor of admission?

I have another one which is devoted exclusively to Mr. S. S. Cox, member of the House of Representatives, who needs no commendation from me, which is as follows:

MR. S. S. COX.

The Mail and Express says:

"Once more Mr. S. S. Cox has proved that he is broader and better than his party. He can not get his colleagues to go with him in giving justice to the Territories. Mr. Cox is not a Bourbon."

The Salt Lake Tribune says:

"Mr. Cox was wise enough to see that the treatment of Dakota by his party had proved to be a boomerang, and had seriously injured it in the late election. But while the mental nature of Mr. Cox is acute, his moral nature is filled with perversities. Mr. Cox has confused ideas of the real status that women should occupy in this world; he evidently has never made a study of the effects upon children of the state of mind of the mothers before the birth of the children. Hence he looks upon polygamy as merely a relation between the sexes which ends with their lives. It ex-

cites neither sorrow nor apprehension on his part, and to obtain three electoral votes, two Senators, and a Congressman for his party, he would gladly assist in erecting the defenses of statehood around polygamy in the very heart of the United States.

"Hence on this point Mr. Cox happens to be an enemy of his country, and he should be pursued into private life and kept there indefinitely. He is not worthy to represent even the slums of New York City, for there are very few even in the slums who will not fight to protect the honor of wife, mother, or sister. He knows that statehood to Utah now would fasten two evils upon the country, the one as a wall and the other as the cement to hold that wall in place, which by and by would become unbearable, and cause an exhaustive civil war. He knows further that even a war could not for years undo the wrong to the race which would have been worked before the revolt assumed an attitude of violence. Yet he is willing to hazard all this for a party advantage. Hence we say he does not represent any constituency of free men in this Republic, and that he should be pursued into final retirement. This country can get along nicely without the services of such men as he."

I read these, gentlemen, in reply to the asseverations that have been made here. Mr. Richards was called upon to give names to the committee. He said, "I decline." Why? These articles I have just read to you furnishes the reply; and I say to you here to-day, gentlemen, that when in a certain celebrated case the jury happened not to agree upon a verdict, this same paper assailed the members of that jury who would not agree to a verdict of conviction with a virulence and venom, naming name by name, I say with venom and virulence that is almost inconceivable in any civilized community. And yet these gentlemen stand here in the presence of this committee and state that there is a unanimity of sentiment among the non-Mormon people, and that there is a hearty, earnest, and uncoerced sentiment, and that every one is perfectly free to act according to his judgment. Mr. Richards has spoken to you and given you the reason why these men can not speak their minds on this subject, and this article I have read shows to you why they can not speak their minds on this subject.

And I venture to say further in this respect, that you can not have listened to utterances here in opposition without seeing that it would require a higher order of courage than men usually possess for any Gentile to stand up in Salt Lake City, or in the Territory of Utah or anywhere where his property interests are, and advocate the admission of Utah as a State without meeting with the combined opposition of a class of Gentiles that it would be difficult for any man to withstand.

I regret exceedingly that this is so. I regret it because I believe that if these people would devote themselves to getting to understand each other and to studying the true interests of the Territory, as well as of this nation, it would not be long until Utah would be a State, and the polygamy question settled forever.

And I am constrained to believe that if Governor West had devoted himself with that zeal and earnestness which he brought to bear in respect of what he calls the material interests of the Territory; if he had displayed the same zeal in bringing these people into harmonious political relations with each other, he would not have been here to-day representing a minority of the people of that Territory in opposition to the admission of Utah as a State; but he would have been here as the representative of a great and united people, seeking admission for the common good. If the Government officials turned their energies in that direction I believe that many Gentiles would unite in asking admission.

Governor WEST. Do you not know it is a fact that the only political movement that the Mormons have undertaken to bring the parties together I advocated, and that against a majority of the sentiment there, a fusion of the city council?

Mr. WILSON. The governor has much influence out there. He has organized a chamber of commerce, which is a very commendable thing, and he has brought the people together in harmonious relations and sweet accord on the 4th of July; and I venture to assert that if he had devoted himself in the same degree to getting these people to understand each other, things would have been very different in Utah from what they are to-day. Now, one other thing I want to consider in this connection for a few minutes. It has been urged here that this Zion's Co-operative Mercantile Institution indicates, or demonstrates, if you please, that the church dominates the material affairs of that Territory. This is used by the governor not only in his argument here, but in his official report.

Now my friend Richards—and I may call him my Brother Richards, although he and I do not belong to the same church—takes issue with the governor in respect to what he said about that matter. What the governor said was, "The articles of incorporation of Zion's Co-operative Mercantile Institution provide, as a condition to become a stockholder, membership in the Church of Jesus Christ of Latter-Day Saints." Mr. Richards stated that was not the fact; that the governor was misinformed, and he produced the articles of incorporation for the purpose of showing that the governor was mistaken in that regard. Now, when the governor comes to reply to it he says, "True, it is not in the articles of incorporation, but lying back of that was a voluntary co-operative association;" or, in other words, there was a partnership in which certain business interests were to be united and brought together and carried on. And he says it amounts to the same thing. But it does not amount to the same thing.

That preliminary partnership, in which certain conditions were required for membership, was a different thing entirely from the institution incorporated afterwards, in which those conditions were not exacted, and have not been exacted since the date of the incorporation, eighteen years ago; and they do not appear, as the governor claimed, in the articles of incorporation, which are here produced. Therefore, Mr. Richards was not only literally correct in denying that any such provision was in the articles, but he was correct in the whole spirit and purpose of that denial; for what the governor now claims does not explain away the error he made in his original statement in his report.

When my brother Baskin came to address you he went away back to what had been done at Nauvoo nearly fifty years ago for the purpose of showing to the committee that that spirit was running through this present organization. In other words, these cases are brought forward for the purpose of showing that the church governs now in these material affairs. Now, I say, gentlemen of the committee, that what has been adduced here proves exactly the other thing. It proves that the church does *not* dominate or control. For, if Brigham Young had been an all-powerful despot, a czar of the Mormons, he would have controlled this institution in the manner claimed by the governor and as set forth in the articles of the preliminary association.

But the articles of the incorporation and the facts show that a different policy has been followed, and that Brigham Young was *not* supreme. Now, they go back to 1840, or about there, and bring up this revelation that Mr. Baskin has read to you about building the Nauvoo house; then they bring it down and try to connect it with the circumstance mentioned by Governor West; and what is the outcome of this, gentlemen? Why, that the creation of this charter of incorporation, in which non-Mormons as well as Mormons can and do participate, is evi-

dence of freedom from the very thing which is claimed to have existed fifty years ago. It proves, therefore, that there is not that domination which the gentlemen claim here. It proves that these people act for themselves in respect to their business interests, and the church does not dominate them; because if it were as is claimed, then these articles adopted under a charter which was passed by a Mormon legislature would have contained the inhibition which the governor erroneously claimed it did contain. Now I pass from that.

And now, Mr. Chairman and gentlemen of the committee, with these preliminary observations, I beg your indulgence while I proceed to the presentation of this case upon its broad merits, reserving to myself at the proper place as I go along to answer some of the special matters that have been presented to you during the progress of this inquiry.

I know that you are impressed with the gravity of the matter involved in this discussion. I approach it with a consciousness of inability to deal with it in a manner commensurate with its importance.

We have here two governments, one exclusive and supreme as to the affairs of the nation, the other exclusive and supreme as to the affairs locally pertaining to a State, an integral part of that nation. The national domain outside the limits of any State is held by the nation under a sort of implied trust to be divided up into Territories into which the people may go and prosecute the affairs of life, and with the further implication that when the conditions are appropriate the National Government will abdicate its powers as to local affairs and yield them up to the people in the form of a State.

To state it in another form, the Congress of the United States creates these Territories and invites people to inhabit and develop them, with the understanding and the implied promise that so soon as there is a population equal to the ratio necessary for a member of Congress and the usual surroundings incident to a fixed community, that Territory shall become a State, and its people shall have a voice in national affairs, and the control of such as are local.

When the understood conditions are complied with, the moral obligation to grant a State government is so strong that it can not in good faith be disregarded. As applied to a Government, a moral obligation has precisely the same force, and means the same as a legal obligation. A moral obligation is the same to a Government, that a legal obligation is to an individual.

This obligation to admit a Territory as a State when it has the required population will therefore be performed, unless such a state of facts exist as would justify the highest court of conscience—the conscience of a sovereign—in disregarding it.

FACTS IN THE CASE.

Utah is applying for admission and we have therefore to inquire, first, whether the conditions Congress has a right to require exist; and second, if they do, whether there is anything outside of these conditions that will justify a refusal.

As to the first, it is disposed of by the statistics furnished you by Mr. Richards and Mr. Caine. Utah has more than 200,000 inhabitants; much above the number required. That is not disputed.

Utah has a public school system of the highest order of excellence and a university of high repute. Every denomination of the Christian churches have their seminaries of learning, and the result of it is as near universality of education—indeed less illiteracy than is to be found in any other Territory and a majority of the States. This is not disputed.

As a temperate, orderly, law-abiding, industrious, thrifty people, the population of Utah have at least no superiors. This is not disputed.

The ownership of the land, that great source of good conservative citizenship, is more evenly and universally distributed among these people than those of any other Territory in the nation. This is not disputed.

Her manufactures include almost every useful article. The products of her soil and the yield of her mines aggregate a great many millions of dollars annually, and she has flocks and herds whose value alone is not less than \$30,000,000. None of this is disputed.

Her charitable institutions are abreast of our advanced civilization. This is not disputed.

No people are freer from the vices that seem to be attendant upon humanity and infest compacted populations. This will not be disputed.

Utah is situated midway between the great rivers of the West and the Pacific, and is traversed by lines of transcontinental railways—highways of the continent, and it is no exaggeration to say highways of the world. Her geographical position, together with her vast agricultural, mineral, and manufacturing resources, and the intelligence, energy, and high character of her people make statehood of vast importance, not only to Utah, but to the whole country. This will not be disputed.

All of these undisputed facts have been brought to your attention with statistical accuracy, and with much, but not too much, detail by Mr. Richards and Mr. Caine, who have preceded me.

Mr. Ferry and Mr. McBride fully and frankly admit that this condition exists; but Mr. Ferry says the Mormons are not entitled to all the credit for it, and I admit that they are not. Such gentlemen as Mr. Ferry have gone to Utah with their business energies and in various ways have aided in bringing about this extraordinary development. We do not claim, and never have claimed, that the Mormons did it all. We are not talking about who did it, but are talking about the condition of the Territory as to its development in order to see whether it has the requisites to entitle it to be erected into a State; and if we find the requisites, how they came there or by whom they were produced is of no consequence in this connection. He admits that they are there, of the character and to the degree that we claim, and that is sufficient for this branch of the discussion. Therefore, this does not rise to the dignity of an objection.

Again, he claims that the public schools are controlled by the church. I was surprised that a gentleman of his obvious intelligence should state this. They are under the control of the church in such sense as the schools are under the control of the church anywhere else where the adherents of a particular church form the preponderance of the people.

That these schools are under the control of the church in any other sense or way I utterly deny, and I deny that any religious creed is taught in them; he does not even assert that it is.

They are essentially and emphatically public schools, open to the children of all. Does Mr. Ferry deny that they are thus open? No; he admits that they are. He complains that he pays taxes but don't get the benefit of the schools. He pays taxes just as other people pay taxes, and if he don't get the benefit of the schools it is only because he don't see fit to avail himself of them. And this same thing is happening, as we all know, in localities where it can not be attributed to Mormonism.

Again, he says that they hold religious services in their school-houses.

That reminded me of my boyhood days, in a locality not as far off as Utah, where every Sunday the school-house did duty as a church, and it never entered the mind of any one that there was any impropriety in using it for religious services. Nor did any one ever suspect that if a particular denomination preponderated that fact made the schools that were taught there any the less public schools, or evidenced that it was controlled by the church that happened to be the leading church there.

Again, he mentioned as an evidence of want of loyalty to or sympathy with this Government the fact that on the Fourth of July somebody put the American flag at half-mast. I know nothing of the circumstances, and he did not give them to you; Mr. Caine has stated them. But I was reminded of two or three incidents that I may mention for the lesson they teach.

Before the late unpleasantness a certain man was Secretary of the Interior. Twenty or more years after that was all over he died. Every State had been brought to its normal relations to the Government; universal amnesty had been declared; the flag was placed at half-mast according to the usual custom, when that former Secretary died; excitable people complained about it, and saw mischief in it.

Not many days ago somebody foolishly, in a Southern city, nailed the American flag wrong side up to a tree or a barber-pole, and there were people that went into a state of fermentation; but nobody thinks that these incidents indicate any settled hostility to this Government or any unfitness to enjoy political right. The Secretary under whose administration the flag went to half-mast on the Department is deemed, and justly deemed, worthy to wear a robe on the bench of the greatest court in the world and honors it with his learning to-day.

Mr. Ferry mentioned one case in which the non-Mormons were, as he understood, denied the use of a school-house for religious services.

Therefore I quote this from the La Fayette (Ind.) Journal, not written by a Mormon:

The new Tabernacle is a very large and peculiar building. It contains an organ second only to the Boston organ in size and power, built exclusively by Mormon artisans. Rev. Dr. Tiffany, of the Methodist Episcopal Church (one of our party), was tendered the Tabernacle by Young, which he accepted, and on Sunday p. m. preached a most eloquent and powerful sermon to the largest in-door audience in his life, there being nearly, if not quite, 6,000 persons present. The liberality of the Mormons in tendering their houses of worship to Gentiles is worthy of praise and imitation on the part of some of our Christian churches and divines.

Judge McBride, in his presentation of this case, spent much of his time in reciting to you incidents of local disturbances, controversies over claims to lands, resulting in lawsuits and acts of individual violence, just such as are found in every community, no matter how orderly. He recites here charges that were made against the Mormons of half a century ago in Ohio, Illinois, and Missouri, forgetting that we are dealing with the Mormons of to-day.

The judge evidently is of the most intensely orthodox school, for he would, if he could, visit the iniquities of the fathers upon the children unto the latest generation.

Upon the same principle he would condemn the New Englanders of to-day because their ancestors burned witches and persecuted Quakers, and because they banished Roger Williams for the reason that he believed that punishment for Sabbath-breaking belonged to the first table of the law and not to the magistrate, and that he believed that the lands of Indians should not be taken without purchase, and that he believed that the power of the civil magistrate extends only to the bodies,

goods, and outward state of men, and not to their souls and consciences. And he gravely tells you that thirty years or more ago the Mormons of that day were in open rebellion against the United States, and that that is an evidence that these people of to-day have no sympathy with the Government. He uses that in this presence, forgetting the dreadful history of twenty-five years ago, forgetting that the policy of this Government has been just the reverse of the one he desires you to adopt, a policy of oblivion, a policy of trust, a policy that has reunited in sentiment and sympathy a great people, and must ever be regarded a victory of peace incomparably grander than any achieved in war.

Such objections as these assert their own unworthiness, but they are useful and useful only in that they show to what trivial and transparently inconsequential things our opponents are driven to resort as an aid to what I understand to be their chief objections.

A moment ago I referred to these admitted facts with some particularity, for the purpose of bringing this contest down to where we can get at the actual ground of opposition to the admission of Utah as a State. And I here repeat that no objection is possible on the ground of want of population, wealth, culture, schools, churches, charities, morals, industrial enterprises, order, and the like. The most vehement of all the opponents of admission will and do concede that as to such qualifications as these they exist in the case of Utah to a degree that not merely silences dispute, but challenges admiration.

Then what are the real objections that are relied upon to overcome this moral obligation to admit Utah as a State?

I shall endeavor to state them candidly and to deal with them as you are entitled to have them considered, with candor and frankness. I know perfectly well that the real underlying objections that are made have such a lodgment in the minds of the people of this country that it will be difficult to remove them. I recognize that this power known as public opinion that surrounds Congress (and I would not be going much beyond the fact in saying controls Congress) is entitled to great respect, and it is, therefore, our duty to answer here to you, and to the public, these objections. We can only hope to prevail by meeting them squarely and answering them fully.

The first objection I notice is the

EXISTENCE OF POLYGAMY.

In respect of this I have to say, first, that there is no law in Utah that sanctions polygamy and never has been.

Now, of course, in making this statement I am not referring to ingenious constructions or discussions that have been indulged in by learned men like my brother Baskin, but I say this: There has never been a statute law that sanctioned polygamy in Utah.

That it has existed there and does exist there in fact (to what extent I will presently consider), I do not deny. Nor do I deny that it has recognition in the tenets of the Mormon Church as a church organization; but in dealing with this objection I submit that you are to look at the situation now, and not what it was fifty, thirty, or ten years ago.

During the last session of Congress my friend Mr. Richards, in an argument he made before the Senate Committee on Territories (which I hope you will all read), stated that not more than 1 per cent. of the present population of Utah ever were in polygamy; that not over 2 per cent. of the present Mormon population ever were in polygamy.

In an argument I made at the same hearing (which I can hardly hope to have you read, although it is here at your service) I stated after the

best investigation I could make, that not 2 per cent. of the Mormon population were polygamous. That statement was made a year ago and has not yet been denied. It has not been denied in this hearing. I remember very well that the fact in that particular was a very great surprise to me after all that I had heard. Now I re-affirm that statement. And although I have heard some general assertions made here, I say the accuracy of that statement has never been seriously challenged except in a general way, out in the air. Mr. Richards has given you the figures in his argument before the Senate, and I am going to give you something now in support of it, and I invite you to the consideration of what was said on that occasion.

I assert now that the persons in polygamy are not more than one-fourth of 1 per cent. of the whole population, and less than one-third of 1 per cent. of the Mormon population, and probably only $1\frac{1}{2}$ per cent., certainly not over 2 per cent., of the adult male population of the Mormon faith. And if this is true, and if you treat polygamy as the highest crime known to law, human or divine, such a percentage would be no sufficient reason for denying admission; for if you had here before you a Territory of 200,000 inhabitants admittedly intelligent, industrious, thrifty, progressive, temperate—admittedly up to and more than up to the average of the masses of the people in the States, not a gentleman of this committee would think of rejecting such a community because it appeared that one fourth of 1 per cent. of the whole population had been guilty of bigamy, or rape, or arson, or even murder. Nor if it appeared that $1\frac{1}{2}$ per cent. or 2 per cent. of the adult population in the course of a period of three years had been guilty of such offenses, you would not treat as outlaws, and as being unworthy of political association, 98 per cent. of good law-abiding people because 2 per cent. were guilty of crimes. If the cities of the plain could have shown ten just persons they would have been spared, and Lot's wife would not have become a pillar of salt.

Our worthy friends on the other side would not insist upon exclusion where such conditions existed. Is it true that no greater proportion than I have stated are polygamous?

There are various ways of getting at this percentage, but I shall rely upon the statistics the Government has furnished, and I refer you to Ex. Doc. No. 447, first session Fiftieth Congress, prepared for the express purpose of enlightening you on this subject, a report of record facts in answer to a resolution of the House of Representatives.

The Edmunds act was passed March 22, 1882, and it will not be said that the officials of the Government have not been diligent in the discharge of their duties since the enactment of that law. It will not be said there is any dearth of appliances for conviction. Mr. Richards has mentioned them. Nor will it be said that the courts have been rigid in the construction of the law so as to make convictions difficult.

On the contrary, if it were necessary for the purposes of my argument, I might claim, and I think might show, that in respect of the offenses intended to be reached there have some rulings occurred in the administration of this act that could hardly be made to square with old-fashioned Anglo-Saxon ideas of humanity and the proper administration of criminal law. But I accept them without criticism for the purposes of this discussion, and here are the results of indefatigable and relentless prosecution.

I find from these record statistics that since November, 1884, there have been ten convictions for polygamy. There are not less than

175,000 persons of Mormon faith in Utah. At least 35,000 of them are males of marriageable age; ten out of 35,000 in four years have been found by Government officials whose zeal will not be questioned, and whose energies have been stimulated by a strong if not inflamed public sentiment, to say nothing of the energizing effect of liberal fees, and who never will be suspected of having leaned to the side of Mormons in this regard. Ten out of 35,000 adult males have been found guilty of the offense of polyamy. Of these one was pardoned by the President, among other reasons, because of his old age.

Now, gentlemen, I know very well that it is said that there could be no more convictions for polygamy, because, as asserted, the plural marriages are secret, that no record of them is kept, and therefore the proof of marriage, an essential in such a prosecution, could not be had.

I deny the truth of this assumption, but let us admit it for the purpose of this argument. All that class of cases in which it is said proof of marriage can not be procured is covered by the offense of "unlawful cohabitation." So that if marriage could not be proved, "cohabitation" answered the same purpose, and if we admit that every man who "unlawfully cohabited" was married to the woman with whom he cohabited, we have this result. Between the 15th of April, 1885, and the 13th of September, 1888, more than three years, these zealous prosecutions resulted in 453 convictions for this offense of "unlawful cohabitation." Five of these were pardoned, old age being a conspicuous reason for it.

Call all of them cases of polygamy if you will, and you have in more than three years in a population of not less than 35,000 male adults of the Mormon faith 463 cases of that offense. But it has been said here that all the cases have not been tried. We have anticipated that; there are pending 163 cases yet untried. Assume that every one will be convicted; add them to the number given you a moment ago of cases of polygamy and cohabitation; compare it with the population of adults of Mormon faith, and you will see that I overstated the percentage; and you can not fail to appreciate how little of actual polygamy there is in Utah and how grossly those people have been misjudged by the public, and how preposterous it is to deny political rights to the many who do not offend, because of the offendings of the comparatively few. That won't do. Remember that I am arguing now from the standpoint of polygamy as a criminal offense, just as I would argue from the stand-point of murder, bigamy, fornication, seduction, as offenses. Such a percentage of such crimes as I have just named in such a community never would be thought of as sufficient reason for exclusion.

Mr. McBRIDE. May I make a suggestion?

Mr. WILSON. Certainly.

Mr. McBRIDE. I do not know whether you are acquainted with the facts or not, but the commissioners of election who were appointed by the President made their report in 1882, the first year they performed their functions there, where they have jurisdiction and authority to strike from the election list those whom they understood to be in polygamy or bigamy, reported something over 12,000 as the numbers struck from the list on that account.

Mr. WILSON. Men and women; my attention has been called to it, and all that you will find discussed by Mr. Richards with great care and in such a way that you can make your own calculations. You will find it will come out exactly what I have stated. Mr. McBride has called my attention to the fact that there were 12,000 reported in 1882; but they were both men and women, and you can make your own calculations.

Mr. BASKIN. How about those people who are voting?

Mr. WILSON. I will only say this: Mr. Richards has gone over it carefully and I went over it with a good deal of care at that time, because I wanted to be particular and not give any misstatement if I could avoid it, and that was the conclusion I reached. Now, I have given other and more recent statistics in support of the conclusions reached.

Now, if polygamy as a crime denounced by statute law, or polygamy as an offense against morals, is to be the basis of rejection, I wish you to follow me to the result of the ultimate analysis of this subject in the light of the present conditions, and the inevitable conditions in the near future.

Polygamy is a crime denounced by the statute, and you say it is an offense against morals. Be it so. Then we have it that here is a community of 210,000 people splendidly equipped for State government; 2 per cent. of 33,000 of them have committed, or, if you will have it so, are committing to-day that offense against law and morals. I think I can safely say that not one of you would entertain for a moment the thought of excluding such a community for an opinion; you might exclude a community for prevalence of crime, but not for opinion.

Now, it is proposed that you shall reject this application. Why? Because a few hundred, 2 per cent. of the voting population of this people, have committed this offense of polygamy. But here are many thousands, 98 per cent., that can stand in your presence and say truthfully, "We never committed that offense any more than you did. We are as guiltless of it as our Gentile neighbors." Why exclude the great mass because of the few who have offended?

If these few offenders had committed offenses *mala in se* or *mala prohibita* other than polygamy, you would lose your patience if anybody should argue in your presence that that fact was a sufficient ground for the rejection of such an application. Such an objection would be as idle as the wind in the presence of conditions such as I have named.

Mr. BAKER. And your argument proceeds on the presumption that all the guilty ones were indicted?

Mr. WILSON. My argument proceeds on this idea: That there has been for years prosecutions going on relentlessly, and with the largest conceivable aid given by the Government to the prosecuting officers, to indict and convict everybody who was engaged in polygamy or unlawful cohabitation, and that there have been—

Mr. BAKER. I believe you make out 500 cases of indictment in about three years?

Mr. WILSON. Between four and five hundred convictions.

Mr. SYMES. That is very near 200 cases a year. There is only one district attorney. Now, how many cases do you think a district attorney could try and get an indictment for?

Mr. RICHARDS. He had three or four assistants. There are four places for holding district courts.

Mr. SYMES. Well, that changes it.

Mr. MANSUR. In the whole Indian Territory up to Oklahoma occupied by civilized tribes, and including less than 10,000 white people as being in No Man's Land, which is part of the contemplated Oklahoma, there were 360 murders last year. How would that compare with Utah?

Mr. WILSON. I think it is a worse state of affairs than you can find in Utah, unless you make polygamy worse than murder.

Mr. SYMES. I make the point of order if we get on Oklahoma we will not get through to-day, or in a week.

Mr. WARNER. Just this question. As I understand it, we ought

not to keep any people out who seek admission into the Union because of a belief; that is the proposition you make.

Mr. WILSON. Yes, sir; that is the proposition.

Mr. WARNER. Now, take the case of a murderer. Say that in Utah the same number of murders had been committed that there have been convictions for, if you please, unlawful cohabitation and polygamy you think that would not be a sufficient ground for keeping two hundred thousand people out the Union.

Mr. WILSON. I should not think so; that is my argument.

Mr. WARNER. And supposing, further, that 70 or 80 per cent. of that community, while it did not commit murder, yet adhered and prescribed to the faith that recognized the right of the parties who commit those murders—

Mr. WILSON. And even advised them; make your case strong. Very well. Gentlemen of the committee will pardon me, as I will get to that, and that is really an objective point in my argument.

Mr. WARNER. Do not answer now, but wait until you get to that in your argument, because I do not want to break the thread of it.

Mr. WILSON. I will answer it in its connection. But I want to bring your minds back to the line of my argument. I stated a little while ago that in Utah all the conditions exist which impose the moral obligation on the part of the Government, which is tantamount to a legal obligation, to admit Utah as a State, unless there is something in the condition of that community which would justify a refusal.

Mr. WARNER. I agree in the fullest extent to that.

Mr. WILSON. I think we all agree about that. Then, of course that would bring us up to that point I am striking for in the line of argument which I propose to present to you. I am trying to see whether there is such a condition of affairs there to justify that refusal; and I should be very much inclined to give the opinion myself that if you found that in a Territory a majority of the people was counseling and encouraging murder and all sorts of crimes, and that was prevailing to such a degree as to be inconsistent with good government, that would be a condition of lawlessness that would justify Congress in withholding admission; and it is my purpose to show that no such state of affairs exists in Utah; that there is nothing in that direction that would justify refusal to admit her as a State.

Governor WEST. Let me ask you, is it not a fact in the submission of this question that there were thirty-five thousand people of an age to go into polygamy, and is it not a fact that in the submission of this there were only thirteen thousand who were for it? Would not that leave a balance of twenty-two thousand against it?

Mr. WILSON. I say no. It is no evidence at all on the subject. We are constantly having our attention called to the fact that in some of the districts members are sent here by a very few votes. The voters are there but do not vote. It is no uncommon thing to have it said to a member of Congress on the floor, "Why, sir, you are elected by only a handful of men, a few thousand votes, and I represent a constituency who vote 25,000 or 30,000 strong." Now the answer to it is, "Very well; but that indicates nothing." There was nothing that called upon the people to come out. You gentlemen who are resisting would not vote on the subject, and there being no opposition, the fact that only 13,000 voted signifies nothing.

Mr. MANSUR. It was stated on yesterday in the House that 31,000 only voted for South Dakota and that 70,000 voted last fall.

Mr. WILSON. I could give numerous instances of like character, and I say that there is nothing in the governor's suggestion that would have any weight whatever in my mind, whatever it might have in the minds of others.

I was proceeding to say that you might exclude a Territory for a superabundance of crime but not for a mere opinion, unless it involved such moral obliquity as would shock the moral sentiment of the country; but I assert that no such condition exists and that is what I propose to prove, and I now return to the line of argument I was pursuing.

And so when these people come to you with this application, and you say to them polygamy is practiced in this Territory, and they reply true, there are a few cases, but ninety-eight or ninety-nine out of every hundred are innocent of any such offending, and you hesitate, and they ask you for a reason; what reason can you give; but one, and you would blush and hang your heads as American citizens when you gave it, "because of your opinion."

And so I say that, when analyzed in the light of existing facts, it comes down to rejection for opinion, if rejection shall ensue. I beg you to bear with me while I trace this a step further.

I assert, and there is no evidence to the contrary, but very satisfactory evidence in support of the assertion, that no plural marriages have occurred in Utah for years.

The few who are in polygamous relations are past the meridian of life, and many of them old men; so that in the course of nature in the very near future this institution *in fact*, will have ceased entirely to exist. The situation then would be precisely the same as now, excepting only that now there are a few aged men who are practicing polygamy. What would you do in that case? Or suppose that to-morrow all the men in Utah who are in polygamy should gather their wives and children, their goods and chattels, their flocks and herds, together and march again across deserts and over mountains into Mexico, so that there would not be a trace of polygamy in fact left in Utah. Then what would you do with this application? Reject it? If so, why? You could give no other reason than "because of the opinions of those who remained."

Turn this about as you will; reason about it from any and every stand-point; you are brought invariably and inevitably to the position as a bottom fact, that rejection, if it occurs, must rest upon the religious *belief* of these people and not upon any actual guilt—upon the sin of wrong *belief* and not the sin of wrong-doing.

THE NEXT OBJECTION.

Gentlemen, I think I know what the attempted answer to this is, and I will endeavor to state it strongly and then see if I can meet it fairly. It is this, that it is not the number of cases of the kind that is to control your action, but that these people hold to the belief as a religious dogma or tenet of their church that polygamy is not wrong; that in itself it is right, that it is commanded; that they believe that their first and highest allegiance is to the church; that the church dominates the state; and that if admitted as a State these people, being in the majority, will not prohibit, but permit, polygamy, and having become a State you will be powerless to control their action in this regard. I have attempted to state this objection fairly, and it demands the most candid consideration.

Here the committee adjourned until 10 o'clock Tuesday morning, January 22.

COMMITTEE ON THE TERRITORIES,
Tuesday, January 22, 1889.

The committee met pursuant to adjournment.

Mr. Wilson continued his argument as follows:

Before resuming the thread of the argument I shall have to refer to some things I said before adjournment. I had been endeavoring to show how little of polygamy there is in Utah, and that there is so little of it that it would not justify this committee, even if you call polygamy a moral as well as a statutory crime, in rejecting this application. In the course of what I said on that subject, I was interrupted by Judge McBride with a question as to whether or not I was aware that in 1882 a Commission had made a report in which it was stated there were 12,000 polygamists in Utah, and I referred him and the committee to what Mr. Richards had said on that subject in a hearing before the Senate, and here is what he said:

The Utah Commission in their report to the Secretary of the Interior dated, November 17, 1882, stated that they had disfranchised all persons who had up to that time lived in the polygamous relation. They placed the number at twelve thousand persons.

This included not only those living in it, but all in the Territory who had lived in a polygamous relation, and they gave the number at twelve thousand persons.

This number included both men and women, because at that time the women voted as well as the men. It also included a number of men and women who had been, but were not then, living in polygamous relations. Some of the men were living with but one wife; others were widowers. Some of the women were the only wives of their respective husbands, while others were widows.

The commissioners have estimated that there were 3,000 persons disfranchised who had been, but were not at the time of disfranchisement, practical polygamists. This would leave 9,000 persons male and female, living in polygamy. Assuming that each polygamist had three wives—a very moderate estimate under the circumstances—and there would remain of the whole number but 2,250 men who could be called polygamists.

You will remember that this was in 1882, and since that time the number has greatly diminished, by death and otherwise, until the small proportion remains that I have already alluded to. These facts presented by that commission in 1882 verify the record statistics that have been furnished as I stated on last Friday, and the record statistics I have just alluded to verify what Mr. Richards said, and what I have just repeated, that the number of polygamists is insignificantly small, and therefore if it were a crime of the very blackest character this committee would not reject such an application as this.

Mr. BASKIN. Allow me for one moment. As we have not had any chance to explain the facts you have just now named, I want to ask you a question in order to show that they are not reliable.

Mr. WILSON. Now, I wish to say, judge, I have taken so much of the time of this committee that I am ashamed to occupy more time in relation to a mere matter of arithmetic. They can calculate and determine whether I am right.

Mr. BASKIN. Now, that is based on the number of persons disfranchised, men and women. That would not include those not on the poll-books and would not include aliens, nor those in polygamy under the age of twenty-one years, therefore you see there is an element that is in polygamy that that does not account for.

Mr. WILSON. It has come now down to the question of arithmetic, and the committee have the facts as fully as they can be given, and I desire that they shall have them and cipher this thing out. When this is done it will be found that I have not understated the proportion of

persons living in polygamous relations in the Territory of Utah, and so I allow it to stand for the committee to decide between Judge Baskin and myself.

Then I proceeded to state that the objection is that they hold to a peculiar faith. Our opponents claim that polygamy is commanded by this church, which I deny, and I will show in a moment that my friend Baskin is utterly mistaken in this regard. They say the church dominates the state, and they say, as Judge Baskin stated a few moments ago, if you let them in as a State, then you will be utterly powerless to control them, and they can establish polygamy there forever. It is claimed this is their purpose, and that is the way what I have said is met, and there I take up the line of my argument.

IS POLYGAMY COMMANDED?

Mr. Baskin has read from the Book of Doctrines and Covenants detached paragraphs that have no relation to each other whatever, and linked them together for the purpose of showing that polygamy is *commanded*. At the request of the committee the entire revelation has been put in the record by Mr. Caine, and you will have the opportunity to examine it for yourselves; and, when you do so, you will find that it does not teach what Mr. Baskin claims.

I know, from what has happened here, that this committee is much better informed upon some things than I am; therefore if I make a mistake, you please correct me. If I rightly remember, Judas Iscariot, after selling his Master for thirty pieces of silver, went out and "hanged himself." An able-bodied divine, it is said, read that and then skipped over a few hundred pages, more or less, and solemnly read, "Go thou and do likewise."

You know the value of a comma, and what serious consequences follow sometimes from placing it behind one word rather than another. You know how it is said that by such a transfer of this little mark your legislation has been made to mean what you never intended.

It is said that another muscular divine on one occasion took as his text, "The wicked flee when no man pursueth, but the righteous is bold as a lion." This divine, whose orthography was somewhat defective, supposed that that word spelled "f-l-e-e" did not represent a "go-as-you-please" pedestrianism, but that it did represent that agile little animal that makes you swear and then like a coward skips, spelled f-l-e-a; and so he read it to his astonished hearers, "The wicked flea, when no man pursueth but the righte us, is bold as a lion."

And that is the way with my brother Baskin when he is dealing with the Mormon revelation on marriage. He reads the first five paragraphs, then leaps into the air, passes over all the horses and elephants, turns himself three or four times in the transit, lights with both feet upon paragraphs 61, 62, and 63, and bows gracefully to his audience. Then he holds up his hands in holy horror and assures you that in these paragraphs he has found polygamy commanded and blood atonement.

It is another case of Judas "hanged himself," "go thou and do likewise;" for the two have no relation whatever to each other, and these last paragraphs I have referred to, and upon which he places so much stress and rests his argument, plainly show that polygamy in the Mormon faith is only *permissive*. I hope you will all read the entire revelation as set forth in your record, and you will find it as I say.

Whoever will carefully analyze that production will find that it is in part to Joseph Smith only, and in part to others. That it relates

to "celestial marriage" in one part, and to polygamy, a different matter, in another. That celestial marriage, which is defined to be the marriage of *a* man and *a* wife for all eternity, is mandatory upon all who desire to obtain the highest glory, namely, the celestial. That the marriage of *other wives* is permissive under given conditions; that there is no command in it to any one to enter into plural marriage but Joseph Smith himself, and no judgment pronounced upon any woman who refuses to join her husband in this matter but the wife of the head of the church, and that this judgment is to be executed by the Lord himself and not by any man or church.

There is nothing in that revelation which makes the practice of polygamy either an essential to salvation or obligatory upon anybody but the man who "holds the keys," as he is called; that is, the head of the church. And, gentlemen, if you will read the paragraphs (61, 62, and 63) read by Mr. Baskin you will see that polygamy is not commanded but only permitted. And the fact that so few of the Mormons have entered into these plural family relations, and that none of the great and overwhelming majority who have refrained have ever been cast out or disfellowshipped, or deprived of any church privileges for that reason, shows conclusively that the idea which is sought to be conveyed here as to the Mormon notions on this matter is entirely erroneous. And when you have carefully read that document you will judge between Mr. Baskin and myself as to what it means.

In justice to the people I represent I can not pass by in silence what Mr. Baskin said in this connection about "blood atonement." He manifestly, or I wholly misunderstood him, undertook to impress upon this committee that if these plural wives committed adultery their throats were to be cut from ear to ear and bowels to be cut out; "Jack the ripper" was to be turned loose, and after this chapter of horrors the judge pronounced the doctrine monstrous, and said that those who adopt it are not fit to be admitted as a State. But it is not taught there. It is not in that revelation. The destruction there mentioned is by the Lord, just as you find it expressed in substance a hundred times in our Christian Bible. And I pronounce it "monstrous" to attribute to these people any such doctrine.

Mr. WARNER. Just a moment, judge; were you present when Judge Baskin quoted from the belief of the Mormons in polygamy as expounded by Delegate Caine and Mr. Richards when they were before the Judiciary Committee?

Mr. WILSON. I was present at that time.

Mr. WARNER. Did you understand that they use—

Mr. WILSON. I don't understand it as Judge Baskin understands it, that they hold this thing as commanded. On the contrary I understand, and I think you gentlemen, as lawyers, if you will take this "Book of Doctrines and Covenants" and examine it will agree with me that it does not mean that polygamy is commanded by the doctrines of this church.

There is one thing in passing along I want to refer to, for the purpose of showing how things may be perverted. I do not say that Judge Baskin has willfully perverted this thing, because I do not think he did; but Judge Baskin referred to an article published in the *Millennial Star*, and gave the volume and page and ascribed it to Mr. Richards, the father of the gentleman who has been here before you. Now, he did that same thing before the Senate committee, and he told you the other day, when Mr. Richards corrected him and stated that his father did not write the article, that when he got back home to Salt Lake City and in-

vestigated the matter he found Mr. Richards' father did not write it; yet he comes here and repeats—

Mr. BASKIN. You wholly misunderstand me. I did not assert here before this committee that it was Mr. Richards' father, because I knew better.

Mr. WILSON. I understood you to say it was Mr. Richards' father.

Mr. BASKIN. Then you misunderstood me.

Mr. WILSON. If I did, I beg your pardon, as I wish to be correct.

Mr. MANSUR. I understood him to state that first, and when Mr. Richards called his attention to it he apologized for it.

Mr. BASKIN. I did not do anything of the sort, because my explanation afterwards will show I did not intend it, as I found out it was Mr. Samuel Richards and not Mr. Franklin D. Richards.

Mr. WILSON. Now I will read from the report of the proceedings, while Mr. Baskin was making his statement before this committee:

Mr. Baskin said:

I now read from an article published by Franklin D. Richards in the *Millennial Star*, volume 18, page 274. That work is in the library, and by going into these works you will learn a great deal. It will corroborate what we say.

Mr. RICHARDS. Do you claim that Franklin D. Richards is the author of that article?

Mr. BASKIN. Yes, sir; it is so stated by him.

Mr. RICHARDS. You will excuse me, but it is not so stated in the *Millennial Star*, if you refer to the article you quoted before the Senate Committee as having been written by my father.

Mr. BASKIN. Now, there is another of the gentleman's literal denials, etc.

When we were in the Senate committee before, he made the same statement.

Mr. BASKIN. I was informed that article was not written by the father of this young man but by his uncle. I do not know there was any difference in the name, and I do not know to-day what his father's name is.

Mr. WILSON. But my friend forgets that he did say right here it was Franklin D. Richards.

Mr. BASKIN. I do not know Franklin D. Richards.

Mr. WARNER. I submit that I do not think this is very material.

Mr. WILSON. It is not material to the issue, but it is material as a question of fair dealing before this committee, because it seemed to me to be an effort to put my friend Mr. Richards in an improper attitude.

Mr. BASKIN. Mr. Richards, knowing me as long as he has, has never accused me of anything of the sort, or any other man.

Mr. ELLIOTT. I would like to hear the judge's argument connectedly.

Mr. WILSON. All that I wanted to say is this: That Judge Baskin in that connection has quoted a paragraph or what purports to be a paragraph from this particular book to which he has referred. I can not say of my own knowledge, for I do not know it (I have been trying to find the book, but can not, for the purpose of verifying the information given), and I can simply say that I am informed—I hope the committee will inquire to see whether it is the truth or not—that what is put in here as a compact quotation from that article is a gathering together of disconnected sentences thrown into this form, the effect of which must be to mislead this committee. I say I disclaim all purpose of imputing to Judge Baskin having done that thing himself. My information is it was done by others.

One other thing I must notice here, to which I referred at the last meeting, namely, the contention that the church controls the business affairs of its members.

It is very evident from the remarks of the gentlemen of the opposi-

tion, particularly of Governor West, that they do not understand the doctrines and tenets and belief of the Mormon people. Of course I would not say that they willfully misrepresent them. All their assertions and imaginings about revelations to control private individuals in business affairs are without foundation in fact. No president or other leading man in the Mormon Church claims to be always inspired, nor that he is at any time infallible. For a great many years anything purporting to be direct revelation has been very rare, and in no case has it related to property or business of the people. Those revelations cited from the Doctrine and Covenants are more than fifty years old, and relate to individuals who had then formed an association in which they had put their property together and made a covenant and agreement that they would not dispose of it without common consent and the word of the Lord through the head of the order. But that book shows that the order was dissolved, as their covenants were broken, and that was the end of it.

This "Order of Enoch" the governor speaks of, but does not understand, has not existed for more than half a century. What he means is "The United Order," which was not, as he states it, a turning over of property to the priesthood to be controlled thereby; it was a measure to unite the people in societies for mutual benefit, in which each colony owned the property in common. It did not succeed, because the people did not fully indorse it. And while this extraordinary power of the priesthood is said to be so great, the fact is not one of these "united orders" exists to-day. If that power was exercised as claimed, the whole Mormon Church would now be organized into such societies. The people were advised to organize; some of them did so; the great body of them did not, and those who made the attempt finally gave it up. That is how the people are ruled by "the iron hand of a priestly despotism."

Every man in Utah is free to attend to his own business, and nobody, whether he be prophet, bishop, or priest, attempts to interfere with it. The Mormon people go about their business without any restraint or dictation, and no ecclesiast pretends to have the right to regulate people's private affairs. This idea that there are revelations to regulate civil and business relations is erroneous and absurd, and not a single instance of anything of the kind has been or can be cited. The Mormon people do not regard the opinions and views of their leading men as revelation, and all these exaggerations to which we have listened are wild and baseless. The trouble with men who make them is, they will not permit the Mormons to explain to them what they believe, but persist in adopting the rumors and misstatements of anti-Mormon preachers and writers.

I think I can account for the errors into which Governor West has fallen in his report and before this committee. When Governor West went to Utah it was very natural and very proper that he should begin the study of the existing conditions, and he evidently became a pupil of our friends Baskin and McBride. "As the twig is bent the tree's inclined" is an old adage, and you know from your personal experience how through life the teachings and opinions of your instructors have clung to you.

Eighteen or twenty years ago our brother Baskin, and fifteen or sixteen years ago our brother McBride began brooding over this subject; and they have been brooding over it ever since. It is a peculiarity of the human mind that constant poring over any subject has a tendency to twist and distort judgment in regard to it. It engenders suspicion;

it evokes doubt as to the integrity of all who differ; it breeds intolerance; such men begin to see visions; dream dreams—airy nothings take the shape to them of veritable substantial demons with cloven feet and darted tails.

And so it has come to pass that my brothers Baskin and McBride have fallen into the condition ascribed to the lunatic, the lover, and the poet—I class them with the poets, of course—they are of “imaginational all compact” on this subject. They see more devils in Mormonism “than vast hell can hold;” and it so happened that when the governor went to Utah and put himself under their tutelage it was a case of the “blind leading the blind,” with the consequence assured eighteen hundred years ago and verified by experience through all the centuries since—all fell into the ditch together.

And this is the way I account for the governor's indulging in the monstrous belief expressed here that Mr. Richards, who has gone in and out before you for many days, and Mr. Caine, whom you have known for many years, and thousands of others like them, would at the command of this church slay their own offspring; and this is the way that I account for much that is in the governor's report and especially for the particular part which he read, and which I will now read for the purpose of accuracy, because it contains the essence of the opposition. I want to discuss it. It is as follows:

The non-Mormons, both Democrats and Republicans, are united in opposing the admission of the Territory, while conceding that as to numbers our population is sufficient, and that our resources would justify our assuming the responsibilities of a State government, yet in essentials far more important we are lacking. That the majority of this people have been educated to adhere to a power foreign to the spirit and genius of our institutions. To this despotism they render allegiance and yield obedience; when it commands, though contrary to the law of the land, they obey, as witness the establishment and practice of polygamy; that to admit Utah into the Union of States is to enthrone with sovereignty this power behind the barriers of statehood. That the avowal of a renunciation of polygamy was for the purpose of continuing and permanently establishing the political control of this power. That to admit Utah is to determine that the principles of our republican government shall not apply to all our people and the whole of our territory, but that the best interests and important destinies of at least one of our States is to be intrusted to those who claim to rule not only by right but by power divine.

I wish you to note particularly that this is the objection of non-Mormons, both Republicans and Democrats.

Now, gentlemen, that is a formidable indictment presented by the governor, if it is founded in fact. I have read it, as I said, for the purpose of accuracy; but I read it for another reason. It comes from a high official source. With this official sanction it has come to you, and the governor in person has repeated it here, and it has gone to the great public, and if it is not founded in fact the wrong is the greater and the more mischievous, because of the high source from which it emanated. It asserts that these people recognize their first allegiance to be to the church; it charges them with insincerely renouncing polygamy for the purpose of cheating you into granting them the powers of a State government, and with a design of using those powers in subordination to this superior power, the church; it charges that polygamy will be given the sanction of positive law, or its equivalent, statutory silence.

I do not call in question the integrity or good faith or sincerity of the governor when he framed that indictment. Doubtless he believed every word of it, for it had been taught him by Brothers Baskin and McBride, ably aided by the Salt Lake Tribune, from the columns of which I have read to you; but I do challenge the accuracy of his information. The reliance to support this is not on the Creed, or Book of Doctrine and

Covenants, or any recognized authority, but upon statements made by Mormon preachers.

THE MORMONS' CREED.

The answer to these statements about the opinions said to have been expressed by preachers and writers now deceased is that they are not Mormon standards. The Bible, the Book of Mormon, and the Doctrine and Covenants are their published standards, and are superior to any theory or view entertained by any individual. And the notion that expressions concerning the ideal future Kingdom of God, as made by those individuals, relate to the present political government of the people is set at rest by these words, which I quote from the Doctrine and Covenants, section 58, verses 22, 23:

Wherefore be subject unto the powers that be, until He reigns whose right it is to reign and subdues all enemies under his feet. Behold the laws ye have received are the laws of the church, and in this light shall ye hold them forth.

Orson Pratt and other men whose opinions and doings have been mentioned here are dead and buried, and they belonged to another class altogether from the people who to-day are asking for the rights and privileges of freemen. This must be remembered. If all the garbled extracts from old sermons and writings that have been produced here were ever entitled to the grave importance sought to be attached to them, they were the utterances of the long since departed, and not of the people who come to you and ask for their political rights and against whom not one iota of evidence has been introduced.

I assert from the best lights I can get that the governor is utterly wrong in asserting that these people hold to any such doctrine as that the church is superior in authority to the state.

I say this, first, because gentlemen of the highest intelligence and honor, who were born in that church, have lived their whole lives in it, have had every opportunity to know its doctrines and teachings, utterly deny that it adheres to any such doctrine.

I say it, secondly, because in no recognized *authority* on that subject can any such doctrine be found.

I say it, thirdly, because exactly the contrary is laid down as one of the fundamental tenets of the church.

The thirteenth article of the Creed, as stated in Chambers's Encyclopedia, "declares it the duty of the saints and *all others to be subject to the powers that be*, whether monarchical or republican."

Stated in their printed Creed, paragraph 12, it is in these words:

We believe in being subject to kings, presidents, rulers, and magistrates in *obeying, honoring, and sustaining the law.*

That is what Mormonism teaches on that subject. It is explicit and emphatic, and no matter what *individuals* may say, or may *have* said, that is what this church teaches to its adherents. The children who are raised in it, and all who adhere to it, are admonished that they *must yield obedience to the laws enacted by the state.*

If that be true, and I maintain that it is true, and I challenge the production of any reliable evidence to the contrary, then this charge upon which the governor says this opposition rests is utterly without foundation.

It is not only without foundation, but the fact is precisely the other way. Therefore the chief averment in this indictment, and the one upon which the others must stand or fall, has no foundation in fact upon which to rest; it falls, and the others go down with it.

These people are *not* "educated to adhere to a power foreign to the spirit and genius of our institutions," as stated by the governor; they are educated to *yield obedience to the law of the land*. They are not educated "to obey the command of the church, even when contrary to law."

In making this assertion that they are, and as evidence sustaining it, the governor says, "*As witness the establishment and practice of polygamy*;" an indirect (at least) assertion that polygamy "had been established" as a rule of conduct for that people, instead of being recognized as permissible only.

If it had been "established" as a law, by this alleged "despotism," to which they must yield a blind and unquestioning obedience, notwithstanding legislative enactments to the contrary, how does it happen that this "despotic power" has been disregarded and disobeyed by 98 per cent. of these despotically ruled people.

Governor WEST. Excuse me for a moment. In that connection, how do you account for the fact that the first president of the church and all the chief authorities have been either in hiding or the penitentiary for violation of the law?

Mr. WILSON. I think the governor has alluded now several times to that. I say that polygamy is pronounced a crime by the laws of this country. I say that polygamy is pronounced by the moral sentiment of the country as being morally a crime. I have admitted here over and over again that there are people who practice it, and I presume the men who are practicing it there have been doing just like everybody else does who violates a law, getting away from its clutches just as fast and as far as they can. I am not denying any of these things. When the governor says, "Why is the head of the church in hiding?" I don't know whether he is hiding or not; but if he is, it is probably because he is one of the few who are violating this law, as I have admitted, and he is in hiding just like any man who has committed any other crime goes into hiding.

Mr. RICHARDS. As a matter of fact he is not hiding.

Governor WEST. But the president, John Taylor, was.

Mr. WILSON. Why you can find individual instances of violation of the law everywhere. It is occurring in this community. You can find them right here within two or three hundred yards of this Capitol. You can find them in Kentucky. People in Kentucky get mad at each other and sometimes they shoot at each other and sometimes they do something else, and the governor has to send out his posse and gather them in because the public in that particular locality does not happen to be strong enough to enable the local officers to do it. But who condemns all the people of Kentucky because of this?

Governor WEST. I am not speaking of individual crimes. I am speaking about authorities and elders; the first president, elders, and authorities in the church, just as I speak of them in my report.

Mr. WILSON. There may be a church creed which says that a man may, without offense to his Heavenly Father, have a plurality of wives; but there is no church creed which says he *shall*, or that deprives him of freedom of conscience and conduct on that subject.

The fact that they have not followed it proves that it is not an "establishment" commanded by the church and superior to statute law; and it proves that no such "despotism" exists.

Governor WEST. Judge Wilson, allow me one moment. Do you know this, that these polygamists are a privileged class among them? They have to get a recommendation to go into polygamy. It is only those who have certain qualifications. Are you aware of that fact?

Mr. WILSON. Now, what becomes of your doctrine after that? What becomes of your doctrine that polygamy is commanded by that church when you say this, in the presence of the committee, that it is only under these especial circumstances that polygamy can be practiced at all?

Governor WEST. It is commanded for a privileged class. Why, of course, there is where it comes right in.

Mr. WILSON. If that is your answer and it is satisfactory to you, it is satisfactory to me.

Governor WEST. It is perfectly so; that is what they claim.

Mr. WARNER. Is there not a church creed which says he can not commit adultery with one of his plural wives?

Mr. WILSON. When they are married they do not recognize that as constituting the crime of adultery.

Mr. WARNER. Is not that church creed contrary to the civil law?

Mr. WILSON. Certainly, it is contrary to the civil law; but they say whenever you have made that thing a crime, then they are bound to follow the law and not the church creed.

Governor WEST. Has it not been a crime to enter into polygamy since 1862?

Mr. WILSON. Certainly; what of it?

Governor WEST. Has not there been a good deal of polygamy entered into since 1862 in Utah?

Mr. WILSON. There has been a law against such marriage and infractions of the law in every State in the Union.

Mr. WARNER. And this revelation was before 1862?

Mr. WILSON. Certainly; it was given in 1843.

The eleventh article of the creed (I quote from Chambers's Encyclopedia) asserts "*absolute liberty of private judgment in matters of religion.*"

Reading from the creed itself, it says:

We claim the privilege of worshipping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship how, when, or what they may.

So I venture to submit that the governor's statement has no foundation on which to rest. Gentlemen, this is, I believe, the first time in the history of our Government when a religious creed has been brought under discussion as a basis of legislative action. Our Constitution guarantees perfect freedom of religious thought and belief.

Some may despise the Jews, to whom the world is indebted for some of the highest intellectual achievements, the broadest philanthropy, and the most touching charity, but nevertheless the Jews may, without let or hindrance, cling to the religion of their fathers, that is many centuries older than the creeds and doctrines of to-day.

Some differ with this or that part of the creed of the orthodox churches, but whether their adherents be many or few, worship in cathedrals or in little churches around the corner, they can not be molested in the enjoyment of religious opinion, nor can it be made the test of political right or privilege.

I believe in the orthodox churches, all of them, as a great humanizing, civilizing, and Christianizing power. They differ in many non-essentials, but there is running through and permeating them all a divine essence that never touches a heart without softening it, that never enters into a life without elevating it, that never inspires the legislative mind without bringing, as its fruit, juster and wiser laws; that never touches the ermine, but justice is tempered with mercy; that

opens the purses of the rich and brings consolation to the poor; that has lifted man from barbarism to the high plane of the civilization of to-day. Wherever it has gone there are better lives, better social conditions, better government; and, in its wider sweep, it has softened the horrors of national strifes. It is verily destined to turn the sword into the plough-share and the spear into the pruning-hook; and, above all this, it is the only light that illuminates the dark valley and warms us into confidence that death is not the end, but only the dividing line between life with its cares here and a higher life with its joys hereafter. I dislike to discuss such matters in such a connection.

And, after all, when we come to reflect about it, what a strange spectacle this is in a government one of the most cherished principles of which is freedom of thought and religious belief, that we should be searching as with lighted candle for the thoughts and beliefs of men with reference to a matter of granting political privileges, and that we should be splitting hairs in argument as to whether this means this, that, or something else.

But these people whom I represent in this argument are attempted to be excluded from fellowship in the cause of human progress, and therefore I venture to inquire whether they are outside these great underlying principles and this essence of the divine?

I admit that they believe that, under special circumstances, a man may have a plurality of wives without sinning against Almighty God. But in all else than this, they are, notwithstanding all that has been said of them, in general harmony with the orthodox churches and strive for the same end, and with what results you will presently see. Since there has been such elaboration of argument as to their faith, I beg permission to read you their articles of faith, as taught in their churches and Sunday-schools, for the purpose of showing you how closely, so far at least as creed is concerned, they are in accord with accepted orthodoxy; and while I read it, I desire you to remember that this church, it is said, dominates, controls this people:

ARTICLES OF FAITH OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

(1) We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost.

I would have been considered a reprobate if I had not believed that forty or fifty or sixty years ago.

(2) We believe that men will be punished for their own sins and not for Adam's transgression.

There they are a little at variance with some of the orthodox churches.

(3) We believe that through the atonement of Christ all mankind may be saved, by obedience to the laws and ordinances of the Gospel.

(4) We believe that these ordinances are: First, faith in the Lord Jesus Christ; second, repentance; third, baptism by immersion for the remission of sins; fourth, laying on of hands for the gift of the Holy Ghost.

(5) We believe that a man must be called of God, by "prophecy, and by the laying on of hands," by those who are in authority to preach the Gospel and administer in the ordinances thereof.

Why, I read just the other day a paragraph in a newspaper which gave a part of the church records in a certain Presbyterian church in the city of Indianapolis, and it is recorded in that church that the President-elect of the United States was ordained as an elder by the laying on of hands. So our Mormon friends are not very far off in that respect.

(6) We believe in the same organization that existed in the primitive church, viz, apostles, prophets, pastors, teachers, evangelists, etc.

(7) We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.

(8) We believe the Bible to be the word of God, as far as it is translated correctly we also believe the Book of Mormon to be the word of God.

Well, we have had to have two translations of the New Testament, and we have not agreed about it yet.

(9) We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.

(10) We believe in the literal gathering of Israel and in the restoration of the Ten Tribes. That Zion will be built upon this continent. That Christ will reign personally upon the earth, and that the earth will be renewed and receive its paradisiac glory.

(11) We claim the privilege of worshiping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship how, where, or what they may.

(12) We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.

(13) We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to *all men*; indeed we may say that we follow the admonition of Paul, "We believe all things, we hope all things," we have endured many things, and hope to be able to endure all things.

They will endure, gentlemen of the committee, even if you refuse them the high political privilege of being made into a State.

If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things.

Mr. WARNER. Judge, that is not a revelation.

Mr. WILSON. No, these are the articles of faith of the church.

Mr. WARNER. I understood from your argument of a few minutes ago, you declared that no one, however high they may be in the church, came up to the standard of revelation as they are given in the doctrine and covenants.

Mr. WILSON. Certainly not.

Mr. MANSUR. All Christian denominations believe in the Bible and each has a different faith and creed.

Mr. WILSON. Yes, and this is the accepted creed of that church.

Mr. WARNER. I am not going into a discussion with my colleague in regard to the Bible, because I am not equal to it. As I understand here, these are the articles of faith, the Mormon's belief, and that the Mormons believe in the Bible, that is, as far as it has been correctly translated, and they believe in the Book of Mormon without any qualifications.

Mr. WILSON. They say they believe in the Book of Mormon. These are the articles of faith accepted by the whole church. Now, some preacher goes out and says something else. Mr. Orson Pratt, who was a theological philosopher, preaches something in advance of this or behind this, and some other man goes out and preaches something else. That is the case in all churches. You will find different ministers putting different interpretations upon the same thing. You find divines contending with each other as to the meaning of this or that phrase of the Bible; just as you have all heard a thousand times—for I know you are a church-going committee—ministers that Hebrew word means so and so, it is translated thus and so, but it does not mean that, it has a little different meaning; and then he will proceed to a discussion upon the construction of that particular word. But these differences, these individual opinions, do not fix the creed of these church.

FRUITS OF MORMONISM.

Now, gentlemen, what I have read is their creed. These are the fundamental doctrines of their church. I am not going to compare their

results with the results of any or all other creed or creeds in other places, but the results in Utah are worthy of consideration. These results are temperance, industry, intelligence, virtue, charity, in a degree that will bear comparison with any other community on this continent.

I must beg your indulgence while I fortify my assertions in this regard.

Bayard Taylor, the celebrated traveler, lecturer, and writer, says:

We must admit that Salt Lake City is one of the most quiet, orderly, and moral places in the world. There are few Gentile liquor saloons, but the Mormons, as a people, are the most temperate of Americans. They are chaste, laborious, and generally cheerful; and what they have accomplished in so short a time, under every circumstance of discouragement, will always form one of the most remarkable chapters in our history. The Territory does not owe a dollar; the people have established manufactories, built roads and bridges, irrigated wastes of sage-bush, colonized the basin of the interior desert for an extent of 500 miles, and made a nucleus of permanent civilization in the most forbidding part of the continent.

And since the governor has appealed to the Democrats on this committee, I here cite an ardent Democrat. Dr. Miller, editor Omaha (Nebr.) Herald, writes:

One feature of the influx into this hitherto quiet, sober, moral, and intelligent Mormon community carries with it its own comment to the thoughtful. To the lasting honor of the Mormon people and system be it said that for twenty-five years such machines of moral infamy as whisky shops, harlotries, faro-banks, and all the attendant forms of vice and iniquity, were totally unknown in Utah. It can not be denied that the Mormons have achieved victories and conquests over the most gigantic evils that curse our race, and which are to-day the chief banes of every civilized State. Already the hydra-headed monsters of infamy are gaining foot-holds in Salt Lake City. The gambler and woman of the town are there. The damning fact, so creditable to Mormon morality, is that it is only by the surreptitious evasion and overthrow of Mormon authority that these and kindred curses now invade the beautiful city of Salt Lake.

Elder Miles Grant, the adventist and editor of the World's Crisis, says:

After a careful observation for some days, we came to the settled conclusion that there is less licentiousness in Salt Lake City than in any other one of the same size in the United States, and were we to bring up a family of children in these last days of wickedness we should have less fears of their moral corruption were they in that city than in any other. Swearing, drinking, gambling, idleness, and licentiousness have made but small headway there when compared with other places of equal size. As a body they are a very sincere people and believe the Lord led them there. They are close Bible students, and are very familiar with the Old Testament prophecies, upon which they dwell much in their preaching. Among them are a number of able men, who are capable of entertaining an intelligent audience. They preach without notes and present such thoughts as come to them on the occasion.

Mrs. Emily Pitt Stevens, editor Pioneer, a woman's journal, writes as follows:

Utah wants to assume the prerogative of State sovereignty. She has population and wealth superior to any other Territory, and why should she not enjoy the privilege of self-government? Utah is the wisest and best governed of any large section of people in the United States. In great Salt Lake City there is less of rowdiness, drunkenness, gambling, idleness, theft, conspiracy against the peace of society, and crime generally than there is in any other city of the same population in the country, if not on the globe.

Chief Justice White, in charging the grand jury, Salt Lake City, February, 1876, said:

This land they have redeemed from sterility, and occupied its once barren solitudes with cities, villages, cultivated fields, and farm-houses, and made it the habitation of a numerous people, where a beggar is never seen and almshouses are neither needed or known. These are facts and accomplishments which any candid observer recognizes and every fair mind admits.

This church and its adherents have been subjected here to the sharpest and most unkindly criticisms. These criticisms are to be printed,

not only for the eye of Congress, but of the nation; they will be repeated from the pulpit and the stump, and around Christian firesides, and on the strength of what these gentlemen have said here these people will be, as they have heretofore been, held up as moral outlaws. That is my apology for troubling you with what I have quoted, and it is my apology for turning to another side of this situation and presenting to you some unpleasant statistics, and I feel additionally excused because of what was said by Judge McBride.

In Salt Lake City, during the year 1886, arrests were made of Mormons and Gentiles for the following-named offenses, as follows:

(1) For prostitution, rape, attempt at rape, keeping houses of ill-fame, enticing minors into houses of ill-fame, lewd conduct, exposing person, not a single Mormon and 78 Gentiles.

(2) For being drunk, drunk and disturbing the peace, drunk and disorderly, drunk and trespass, selling liquor on Sunday, 23 Mormons and 522 Gentiles.

(3) For manslaughter, attempt to kill, assault with deadly weapons, 1 Mormon and 5 Gentiles.

(4) For grand larceny, petit larceny, stealing rides on railways, 27 Mormons and 144 Gentiles.

(5) For gambling and gambling houses, Mormons 0, Gentiles 35; forgery and passing counterfeit money, Mormons 0, Gentiles 4; fighting and battery, Mormons 16, Gentiles 107; destroying property, Mormons 0, Gentiles 17; vagrancy, Mormons 0, Gentiles 121; common assaults, Mormons 6, Gentiles 46.

This is the more striking when you come to consider that the Mormons are so very largely in the majority.

Governor WEST. Will you please announce where you get these statistics; where did you get your information?

Mr. WILSON. If that is not accurate, you have access to the records of the courts in Salt Lake City. I say it comes from the records.

Governor WEST. But where do you get your information?

Mr. WARNER. I submit, Mr. Chairman, that it makes no difference where he got that. He has said it comes from the records.

Mr. WILSON. I say it came from the records. If it is not so you can go to the records and send the information to this committee.

Mr. BASKIN. But the records would not show the religious complexion of the parties indicted.

Mr. WILSON. If that is not so you furnish the fact here.

Governor WEST. I think you should have to show it.

Mr. WARNER. I submit the gentleman has a right to submit his facts. Permit me a question right here. You state these facts to show the purity of the Mormons over the Gentiles morally?

Mr. WILSON. No; I will state in about half a minute exactly what I do cite it for.

Mr. WARNER. I supposed it was to show the Mormon faith produces a higher morality and less crime than the Christian faith.

Mr. WILSON. It is unpleasant to me, to the last degree, to mention this, and, lest I may be misunderstood, I want to say that I know in part by personal acquaintance, and much by what in one sense I can not say that I personally know it, and yet I do, that the Gentile population is made up in the main of people of the highest character for business and every other integrity—men of sagacity, intelligence, and of the highest private character and sense of honor. Mormonism has not kept them away, nor driven them out after they got there, and in answer to the question of a moment ago I say I only mention these statistics to show

that a Mormon is not a bad man or woman because a Mormon; nor is a Gentile a good man or woman, or better than a Mormon, because a Gentile; and to show that if the Mormon Church controls its people, it controls them in the direction of good morals and the public peace.

Now, gentlemen, I know that petitions, numerous signed, have been sent here from all over the country against this application. The governor has told you that a remonstrance is coming, signed by 13,000 or more non-Mormons. Here is how they were procured. I read from a column of the Salt Lake Tribune of December 25 last, which is headed:

That statehood move—Summit County liberals send E. P. Ferry to oppose it—They want Baskin to go also—Extracts from letters received by the Liberal committee showing much Mormon opposition to statehood.

Looking down along this column I find this extract from one of the letters referred to :

Salt Lake City.—I am fourteen years of age, and I send you eighty-one names of persons who desire to protest against statehood. I tried to secure one of your blanks, but failing in that, I have secured the names on common paper. I guess it will do.

On receipt of this I imagine that our friend of the Tribune, who has been attending here, sent this industrious boy, who did not wait for blanks, his blessing and threw in a chromo.

That is the way they get up their petitions.

Many a Christian woman has signed these petitions in full belief (I refer to the other petitions from outside Utah) that she was resisting everything that is bad.

The pulpit has called for these signatures, but how many of these signers, think you, knew, when signing them, that the Mormons are the most temperate people in the world? How many of these Christian women knew that there are no saloons in Utah, for which the Mormons are responsible, to lead the young to inevitable destruction; that there are no dens of prostitution among them for which they are responsible? How many of them knew that not two out of an hundred of this present Mormon population has ever entered into the polygamous relation? Probably not one out of all the number had the slightest knowledge or suspicion even of the real facts; but you know them, and whatever else you may do, or whatever you may recommend, I hope you will feel it to be your duty to give the public accurate information on this subject. Tell this great American public that not 2 per cent. of the adult males ever were in polygamy. Tell the public the delightful truth that this much-condemned people are not surpassed in intelligence, sobriety, virtue, honesty, industry, thrift, charity, by any people anywhere. Smite them if you will, but give them the benefit of the truth. Criticise their religion if you will, but tell the world what they have accomplished, so that by their fruits the world shall know them.

But, gentlemen, I proceed to the consideration of another matter involved in this objection, as presented by this indictment framed by the governor, viz, the charge of insincerity in this movement they have made to procure admission as a State.

I will restate it in this connection as accurately and explicitly as I can. As I understand it, it is this: That their purpose is to induce you to believe that they propose to put polygamy under the ban of a State constitution by placing, as they have, in the constitution a clause prohibiting polygamy; then, having secured admission under that pretense, and with that provision in the constitution, to proceed to make polygamy

lawful. To attribute such a project as this to sane men carries in itself its refutation. The idea that any set of men fit to be outside of a lunatic asylum could suppose that a fraud of that kind could prevail is simply preposterous. Any man one remove from an idiot could not fail to see that such a scheme backed by only 175,000 men, women, and children, against the sentiment of 60,000,000 of people and against the sentiment of the civilized world, would come to instant grief.

There is no fact upon which such a charge can be based, but there are abundant facts that disprove it beyond any reasonable dispute; that prove it is as baseless as the fabric of a vision.

And I want to present some of them for your consideration. I begin by repeating that not two in a hundred had ever been in polygamy; they could have been, but never were. Is it not inconceivable that people who have had the opportunity to enter that relation, and never did so, 99 who did not to 1 who did, should take it into their heads to make the childish attempt to commit so enormous a fraud; a fraud that would bring upon them the contempt and the condemnation of all Christendom; and when they know that this nation would find speedily a way to overturn such a scheme and bring it to naught?

Can any one conceive of a scheme more senseless than that of a people violating the most solemn obligation for the purpose of entering into a relation they would not enter into when the door was wide open for them so to do?

Gentlemen, these people have faced privation; they have endured poverty and all the vicissitudes of frontier life; they have made their homes in Utah; there are clustered everything that to them makes life worth living; and it seems to me that to attribute to them the unutterable stupidity of jeopardizing, yes, more than that, consigning to utter destruction, all these, is too idle to be thought of; and this is especially so when we consider that what there is of polygamy is chiefly confined to the old.

I believe I am justified in saying, and, therefore, again assert, that plural marriages have not taken place for years. There is no evidence that they have; so that, as I have already said, Time with the swing of his scythe will speedily remove the last vestige of polygamy; in fact, the little that is there will soon disappear, and there will be nothing left for our friends to fight but a mental operation—a belief, which is practically all that they are fighting now.

Now, can you imagine these young and middle-aged men who have never been in polygamous relations deliberately entering into a stupendous folly, stultifying themselves, and bringing sure destruction upon their families and homes at the instance of this meager few that are left over from former years? It is inconceivable, except to a disturbed, distorted, long-brooding imagination.

But, in addition to the utter improbability of such a course, their conduct repels this charge.

First. Not entering into the relation repels it.

Second. The refusal by the church authorities to solemnize such marriages repels it.

Third. The law enacted by the Utah legislature on the subject of marriages repels it. It provides that marriage is prohibited when there is a husband or wife living from whom the person marrying has not been divorced.

The section prohibiting the solemnization of plural marriages under severe penalties repels it.

Fourth. This State constitution repels it. It prohibits polygamy

absolutely. It not only prohibits it, but makes a compact that that provision shall not be changed.

HOW AND BY WHOM THE CONSTITUTION WAS MADE.

We are driven by the charge of insincerity that is made here, and to which I have alluded, and by the range of this discussion, to inquire by whom was this constitution framed? and into the incidents and conditions that led to its making; because the good faith of its framers is arraigned before you.

The Mormon people who have never been in polygamous relation, who could take and did take the most searching and stringent oath to that effect, weary of contention, desiring to promote the welfare of all the people of that Territory, and desiring to place themselves in harmony of conduct with the people of this nation, as to this apple of discord, proposed a convention to frame a constitution for State government. (The few Mormons who are in polygamy had nothing to do with it.) They invited their non-Mormon or Gentile neighbors to unite with them, and although largely in the majority, offered the minority representation in that convention. This invitation and this offer were rejected.

They then went forward with this work. The men who composed that convention were representative men and represented a people such as I have described. They were intelligent and wise men, as is attested by the fact that they have made a constitution against which the shafts of criticism have never been leveled and with the exception that Mr. Baskin has started a point I will presently allude to, and that Colonel Ferry said it made polygamy a misdemeanor instead of a felony, there is no word or phrase in it to which, so far as I know or can see, exception can be taken. I say that it is up to the highest standard of fundamental law for the government of a free people.

In it, for the purpose of setting forever at rest this question that has for so long disturbed the harmony of the people, they inserted these two provisions:

ART. XV.—SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisonment for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

* * * * *

Provided, That section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change, as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States, and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed, said section shall remain perpetual

If that becomes the organic law of Utah, and continues as such, polygamy is ended, and I think everybody will agree to that, notwithstanding the argument made by Judge Baskin, which I will briefly notice.

Mr. STREUBLE. One moment. Do you discuss the meaning of the word misdemeanor, as defined in this relation as a crime in your further remarks?

Judge WILSON. I have it in mind to say this. Colonel Ferry made the point. I remember that he said that in this constitution they had

defined it as a misdemeanor and not a felony as they do in Michigan. I believe I quote him correctly. Very well, I can point you to a hundred instances where you gentlemen as members of Congress and your predecessors have enacted laws defining crimes and have called those where they attach very high penalties misdemeanors. I argue that if it does call them misdemeanors it does not make much difference to a man in its consequences whether you call a thing a felony or misdemeanor. If you shut him up in a penitentiary for about three years and fine him about a thousand dollars, I do not think he would get much consolation out of the fact that you called it a misdemeanor instead of a felony.

Mr. STURBLE. In our State I think misdemeanors are not subject to a fine of more than \$100 and imprisonment for more than thirty days.

Mr. MANSUR. You say where there is punishment in the penitentiary that was a felony.

Mr. WILSON. Yes, sir; practically that. This whole subject has been gone over before, and, to use the language of Judge Cartter,

The walls of the penitentiary draw the line between the offenses that are infamous and non-infamous.

The Supreme Court has said, in effect, whenever you imprison a man and inflict upon him such punishment as to put him in the penitentiary, then the infamy is attached to it, and you can not prosecute it in any way except by indictment.

Mr. WARNER. It comes to the question of whether you can prosecute on information?

Mr. WILSON. Yes, sir. That question arose in the star-route case when they undertook to prosecute on information.

Mr. SYMES. Permit me a question. Has it been held or not that that word "felony," or "misdemeanor," involves the same defense as if it was an offense which was infamous or non-infamous? There has been a great deal of talk about it, and I am not familiar as to whether it has been held or not.

Mr. WILSON. It does not turn exactly on that. If it is infamous, the proceeding must be by indictment, and if the punishment is in the penitentiary, it is infamous.

Mr. SYMES. I have not heard it stated, and do not know the decision in regard to that.

Mr. RICHARDS. Under the present act of Congress polygamy is not declared to be a felony.

Mr. WILSON. It has been given to Mr. Baskin to find a spook hiding behind this word "polygamy" as used in this provision of this constitution. He gets a glimpse of it in his mind's eye, and every hair on his head stands on end. He hurries over to England for a decision made in a court over there, and with that proceeds to make a refined argument, splitting hairs "twixt the north and northwest side," to prove that "prohibition does not prohibit;" that although this constitution forbids polygamy and makes it a misdemeanor, yet under this provision, and notwithstanding this provision, polygamy may be practised with impunity.

Now, gentlemen, the word "polygamy" has a settled and legal signification. It means in this constitution and must always be held to mean just what that word signifies, not only to the legal mind, but to the mind of the layman.

But he has another phantom lurking behind this word, and that is that the Utah courts will concoct some subtle occult system of logic by which the plain meaning will be defeated.

That objection, I submit, rests in his belief, his opinion, his ability to forecast future events. Such a thing as these courts resorting to such methods has never happened in the past—there is nothing to indicate that it will happen in the future. As Mr. Baskin don't believe in revelation, I know he will not expect you to accept it as a fact that it has been revealed to him what these courts will do; and as he is not a prophet and does not pretend to be, all he can do is to argue what the courts might do. But I must say it with the most profound respect for Mr. Baskin, for it is well known that he is an able lawyer, and his legal ingenuity has been demonstrated here, that if any court should reach such a conclusion upon the argument he has presented here, it would deserve to be impeached (for incapacity, or worse, and would be impeached and condemned by the universal judgment of the world.

This point made by Mr. Baskin is not one that rests in argument. It rests in an assertion that you can not repose faith in these courts; and it rests there alone. It is only an appeal to you to distrust them to the degree of condemning them as utterly unworthy of confidence.

But recurring now to this constitution, I say, and you will all agree with me, that it is beyond criticism, and it makes no difference for the purposes of this argument who took part in making it and who did not, nor how long or how short the notice of its making was; as an instrument it is above criticism, and if Judges Baskin and McBride and Governor West had made it themselves they could have done no better, and they do not now suggest any infirmity other than I have mentioned, namely, that its framers are insincere.

Judge McBride said, and I quote his exact language:

I don't care what kind of a constitution they make, I would oppose it. I do not care how perfectly formed it may be.

But when you take this constitution with this provision embodied in it, in connection with the other matters I have enumerated, I say they utterly and irresistibly repel this charge of insincerity in offering this constitution.

Now where is the evidence of insincerity? I challenge any one to point to an indication of it. It can not be found in any legislative enactment, for these have been just the other way. It can not be found in their marital relations, for they have never entered polygamy. It can not be found in any refusal to take a prescribed test oath, for they have been weighed in that balance and not found wanting. It can not be found in their church creed as we have already seen. It is simply an assertion without enough foundation in any fact sufficient to create a suspicion.

This brings us to the next objection in this regard that I wish to notice. You will observe that polygamy is not merely prohibited by this constitution, but is made a misdemeanor, and the punishment is prescribed and no act of the legislature is required to execute it. Nor can any governor pardon any one convicted of such an offense. Nor can this self-executing provision of the constitution be changed without the approval of Congress. It is to be perpetual unless Congress agrees to the contrary.

It is impossible for the skill of man to more completely hedge this matter of polygamy in and place it under an eternal ban of the law than is done by these constitutional provisions.

But the answer that is made to this is simply, "Oh, when they get into the condition of statehood they become independent of Congress, and they may amend this constitution by striking out these provisions and Congress will be powerless to prevent it."

CONGRESS CAN REQUIRE A SPECIAL COMPACT.

Now, gentlemen, it is a question of supreme importance, whether by admitting a State you place it out of your power to control this subject. It is contended that such would be the result. I deny the proposition. Over and over again States have stipulated that they would not exercise the sovereign power of taxation. That is a power that inheres in State sovereignty, but they have been required to yield it up, and no one ever doubted that such a stipulation was a proper stipulation to be entered into.

In the case of Louisiana it was stipulated that there should be trial by jury and that the laws should be written in the English language, which possibly may happen when New Mexico is admitted. And nobody ever doubted the propriety or the binding character of that stipulation. Nebraska was required to prohibit slavery. The principle involved in the present case is in no way different from these precedents.

The power to tax, as every gentleman of this committee knows, is one of those powers that inhere in every sovereignty. That has been discussed by the Supreme Court in a dozen cases in which it has been held that it was a power that was necessary for the preservation of sovereignty. It inheres in the sovereignty, but in dealing heretofore in respect of admitting States, the States have been required to yield to sovereign power to a limited extent, and no one ever doubted that such a stipulation was a proper stipulation to be entered into, and no one ever doubted that such a stipulation was binding upon the high contracting parties.

Mr. SYMES. Will you allow me a question for the purpose of understanding this? Have not those laws and decisions generally turned upon the question that the taxation in dispute was prohibited by the Constitution of the United States independent of the contract between the States and the Government?

Mr. WILSON. No; I think not.

Mr. SYMES. I just asked the question.

The CHAIRMAN. Do you refer to the distinctive agreement under the taxing laws applying to the case?

Mr. WILSON. For five years.

Mr. SYMES. Or forever.

Mr. WILSON. Or forever; it does not make any difference. But here is a Territory organized into a State possessing this sovereign power, and as to such powers the States is absolutely sovereign; but Congress in admitting that Territory into statehood stipulates that when it becomes a State it will yield up this power of taxation.

Mr. SYMES. I understand that. I do not want to break the thread of your argument.

Mr. WILSON. Now, in the State of Louisiana it was stipulated that she should provide for trial by jury, and it was stipulated that the laws should be written in the English language. Why that stipulation? It was unusual, it was extraordinary. Why was that stipulation put in that constitution or in that contract? It was simply because the people of Louisiana were people of a race different from ours, and it was because they were accustomed to the use of a language different from ours, and a mode of trial different from ours. It was intended to make that State uniform with all the other States in this Union in these respects; and therefore when Congress came to admit Louisiana they said, "You shall provide for trial by jury, which does not exist with you now under your system; you shall have your laws written in the English language;" and that contract was made and no-

body ever doubted the propriety of its making or the binding character of that obligation.

Mr. SYMES. Pardon me, as this is a most interesting question, I think. Has there been any decision arising out of the fact that it was supposed that Louisiana violated that compact?

Mr. WILSON. Not at all, and I will come to that now in a moment.

The CHAIRMAN. How much more time will you require?

Mr. WILSON. I should think about half or three-quarters of an hour.

Mr. WARNER. I am of the opinion that he could be allowed to go ahead now.

The CHAIRMAN. As the business before the House will probably be an appropriation bill, I think we had better hear the judge out to-day, and I hope we will not interrupt him if we can help it. I will try not to do so myself.

Mr. WILSON. Nebraska was admitted into the Union, and Nebraska was required to enter into a compact that slavery should never exist in that State without the consent of Congress. Nobody has ever doubted the propriety of entering into such a compact nor has anybody ever doubted the binding character of that compact. Congress has never asked for guaranties that the compact would be kept by the State.

There can not be any doubt as to the right to enter into such a compact. Congress has been acting upon such a right for more than three-fourths of a century, has admitted many States upon compacts precisely similar in principle; it is too late to begin to dispute it now.

But that is not the objection here urged. The question I am now considering is, whether Congress can enforce it if made.

In considering this you will not fail to remember that when communities deal with each other, which is done usually in the form of treaties, they mutually rely upon good faith for the performance of all stipulations between them. They never stipulate for a penalty in case of violation, or provide a remedy in case of a breach of covenant. Reliance is placed upon that high sense of honor that is always attributed and conceded to the contracting parties.

This is a part of what is sometimes called "the public law of the world." And it is upon this idea that when States have been admitted such compacts have been made in almost every case, and the good faith of the people of the State has invariably been accepted that that compact will be kept and performed.

I take it for granted that this will not be disputed; but our friends invariably come back with the assertion that you can not trust these people. But that is an assertion that only goes to the propriety of entering into the compact; and therefore, although somewhat of repetition and aside from the regular line of the discussion of the legal proposition, I come back with the inquiry: What evidence have you in the past conduct of these people to lead you to the conclusion that they can not be trusted to carry out in good faith this compact?

Look into their laws and you can not find it there. You do not find oppressive taxation. You do not find it in mismanagement of public affairs. You do not find any public debt, or any lack of provision for good order—any lack of intelligence. You will search in vain for anything in that direction to satisfy you that they are not as high in the scale of honor as any other people. Nor can you find anything in their present condition as to polygamous relations from which you could draw unfavorable conclusions in this regard.

On the contrary, the inferences are all the other way. If you accept the fact to be, as my brothers Baskin and McBride state it, as to what

they were fifty years ago, you see that they have moved on just as others have moved on; if they were fifty years ago what it is here claimed they were—if they were intolerant as to others then, it is not so now.

In these respects they have grown just as other communities have grown, and progressed just as other communities have progressed. And I assert that with them you find every element existing upon which you rely in the matter of reposing faith in communities that they will keep promises. These gentlemen who say you can't trust them, fail to point you to a single case in which they have betrayed a trust, and none can be pointed to.

On the contrary, it is apparent that they have faithfully performed the highest trust that can be granted to a people—the trust of Government, for, in the territorial state where they have made and executed laws, these laws have been most salutary, and their administration of them has been just and impartial.

And, therefore, I say that no fact can be pointed to that justifies the contention that full faith and confidence can not be indulged that they will keep this compact; and, therefore, the compact may with propriety be made.

CONGRESS CAN ENFORCE A COMPACT.

If it may be made, then the right to enforce it follows by necessary implication. It is idle to say that such a compact may be made and that when the considerations have been mutually received, statehood on the one side and the pledge not to do a particular thing on the other, either party can violate it without remedy to the other.

But you ask me what is the remedy? and I answer that there are plenty of remedies, and peaceable remedies, and in your own hands.

Suppose they violated this contract; suppose that after they put this into the constitution and thereby induced you to grant them the high privilege and political right of statehood, they should turn right around and exercise the bad faith which is attributed to them here; what could you do? You could shut the doors of the Senate and House of Representatives against them; you could deny them a voice in the councils of this nation, because they had acted in bad faith and violated their solemn agreement by which they succeeded in getting themselves into the condition of a State. You could deny them the Federal judiciary, you could deny them the right to use the mails, that indispensable thing in the matter of trade and commerce of this country. There are many ways in which peaceably, but all-powerfully, you could compel the performance of that compact.

Congress could reach such a case and not put a title of the strain on the Constitution that it was subjected to when the act was passed authorizing the attachment and arrest of a witness who had not been subpoenaed, and forfeiting the property of this church and commanding the courts what kind of a judgment to render. After these Congress can not doubt its ability to devise means to meet emergencies or its courage to grapple with troublesome questions.

I have reserved it to this place and in this connection especially to answer what I understand to be the essence of this resistance as stated with especial frankness by Judge McBride.

Of course our friends, the enemy, are and must be embarrassed by the unpleasant fact that they are continually compelled to assail the Mormon religion, and so they state an objection somewhat after this fashion: They say that the Mormons owe their first allegiance to the

church, that that church commands and they must obey, and that this despotic power is inconsistent and at war with the scheme, the spirit, the genius of republican government; in short that polygamy is anti-republican, and that you can not give such a people control of a State, because it would be equivalent to establishing a despotism, while the Constitution requires that the State shall be guaranteed "a republican form of government." I think I state it accurately. Now this provision of the Constitution of the United States just alluded to is the very one upon which I rely to establish the power of Congress to interfere if Utah should attempt to annul these constitutional provisions against polygamy, to violate this compact.

In the first place they say that polygamy and Mormonism or the Mormon Church is anti-republican, and that anti-republicanism will be the State government.

Then, in the second place, this constitution that is offered says that polygamy "is incompatible with a republican form of government."

Governor WEST. They do not say this; they say it is so considered.

Mr. WILSON. That is another of your spooks.

So both parties agree that polygamy is anti-republican, and that being so, and Congress being commanded by the Constitution to guaranty a republican form of government, and polygamy being anti-republican, can it be for a moment doubted that if the Mormons, after Utah has been made a State, should attempt to set up polygamy as an institution by repealing this constitution, or in any other way, Congress could declare, what all parties agree to, that it is anti-republican, and at once proceed to create a republican form of government as commanded by the Constitution.

So you see that if this objection is not imaginary, as I insist it is; if it is real, as I insist it is not; if it should in the future transpire that this is a deep-laid scheme, of which there is not the slightest evidence, and the allegation that it is preposterous and absurd to the last degree; if all this be true, Congress has the amplest power under the Constitution to interfere and strike it down, just as complete power as it would have if in some State the attempt should be made to make the executive office hereditary, or to set up a monarchy, however limited.

Mr. SYMES. You take that position?

Mr. WILSON. I do.

Mr. STRUBLE. What would you think about the power of the people through their Constitution to concede to Congress power over this question of polygamy?

Mr. WILSON. You anticipate me; I will come to that.

Mr. STRUBLE. I beg your pardon.

Mr. WILSON. Not at all.

I am taking these gentlemen, you will observe, upon their own grounds; I am taking them at their word, and if they are right in saying that polygamy is contrary to republican government then they have furnished a perfect answer to their contention that when a State is formed they are beyond the reach or power of Congress in this regard.

Mr. BASKIN. Allow me a moment. What I have here said is this: The clause in the Constitution only requires that the constitution of a State shall be republican in form. That is the provision of the Constitution. But the Mormons with their republican form of government could practice polygamy by simply not punishing it by law and yet the provisions in the Constitution would be complied with.

Mr. WILSON. These arguments are so exceedingly refined that I confess my inability to grapple with them. I think all this is imaginary.

But, gentlemen, you may make such a compact and there is no limitation as to what you may embrace in it, and I venture to point out to you how you may remove any and every doubt as to the power to interfere, although there is no necessity in my judgment to do so. You can make the power of Congress absolutely sure by providing in the act accepting the constitution that if at any time without the consent of Congress the State should directly or indirectly abrogate this provision of the Constitution, *eo instanti* it should become again a Territory; and you could require them to accept that as a condition by an ordinance.

But I submit to you, gentlemen, that what I have suggested furnishes a peaceable and efficient safeguard against this wholly imaginary calamity. Suppose you should say in an act admitting Utah that if that provision is destroyed then Utah is to become a Territory again; and suppose Utah agrees to that by an ordinance. Do you think that Utah would ever fly in the face of such an agreement? Do you think that her people would venture upon such an experiment; and if they did, do you think that the Congress of the United States would find no remedy?

The acceptance of admission upon such a condition would not only insure the power of Congress to interfere if Utah should attempt to act in bad faith, it would of necessity end polygamy forever if it were not dead already. For I beg you to remember that it is not that polygamy is not sufficiently prohibited by this constitution that excites the apprehensions of these gentlemen, but their fear is that you will have no power to interfere if they disregard the provision that it shall not be repealed without the consent of Congress.

The suggestion I have made, I submit, would effectually meet that objection, and put at rest these apprehensions. Such a condition would make a repeal impossible.

THE BEST WAY TO SETTLE THE POLYGAMY QUESTION.

Mr. Chairman and gentlemen of the committee, very eminent men have been wrestling with this subject a good many years; both political parties have resolved in relation to it. It would be presumptuous in me to assert or intimate that their efforts have been misdirected. Perhaps what they have done was necessary to lead up to a condition where the final step could be taken which will solve the problem. I believe that step is *the admission of Utah as a State*. If Utah had been made a State a year ago you would not in November last have had a division of the people into Mormon and anti-Mormon. There would have been the great Presidential stake to be striven for, in which national politics, national issues, would as surely as fate have swallowed up this local controversy. That would have been the inevitable result.

The people in all the other States being divided between the two great political parties, supporting the respective electoral tickets asserting distinctive political principles that are as broad and even broader in their reach than the country, an electoral ticket in Utah divided as Mormon and anti-Mormon would have been simply impossible. Utah would have had two electoral tickets the same as in all the other States, but as in every other State representing the same national questions; and her people would have been discussing Harrison and Cleveland, protection and free trade, with here and there a Mormon and anti-Mormon lifting up together their voices in favor of "civil-service reform." They would have been divided as Republicans and Democrats; Mormons and anti-Mormons would have gathered together as Democrats in a Democratic

caucus to devise ways and means (especially means) by which to thwart the schemes of the Republicans, and to secure the blessings of "tariff reform;" and just around the corner other Mormons and anti-Mormons would have been consulting together in sweet accord, as Republicans, how to secure a free ballot and an honest count, and how to foster and encourage American industries, especially *salt*; and political missionaries of both parties from every part of the country would have been there to enlighten and evangelize.

Every possible outside influence, from every part of the country, the leaders of the two parties, the great newspapers, would have been at work to bring into their respective political lines the voters of Utah.

That is the way the people of Utah would have been divided, if Utah had been made a State last winter, and it will be the result, and there can be no other result, the first election that occurs after Utah is admitted. I was gratified to hear Mr. Ferry say that already young Mormons vote as they please; it was not quite consistent with his claim about domination, but that makes all the more useful his admission.

That, in my judgment, is the way to settle this disturbance. Admit Utah and her people will become unified as other communities are unified, and divided politically as other communities are divided politically.

I insist that you can run no risk of evil results by doing this. The Mormons, with the very few exceptions I have mentioned, are non-polygamous just as the Gentiles are. They do not need to change. There are no extra wives to be discarded, no embarrassing social or family relations to hinder.

Admit Utah, and I feel as sure as I am sure that the sun will come and go to-morrow that this disturbing question will be settled forever.

Reject Utah and you are simply continuing a strife for the continuance of which there is now no justification in existing conditions.

But there is another reason why the admission of Utah as a State will dispose of this question as you desire it disposed of. If Utah is admitted as a State it will stimulate immigration. Her climate, her scenery, her soil, her mineral resources, her beautiful capital city, her schools, her railroad facilities, her geographical position, the fact that she has passed the period where the hardships of pioneer life have to be endured, would bring a great influx of population. That growth would not be Mormon but anti-Mormon. It could not be Mormon because there is no source from which it could come; and this if nothing else would settle the question of polygamy. Colonel Ferry tells you that by reason of immigration the Gentiles now have a majority in Summit County.

It seems to me that every consideration points to admission, as an act of wisdom as well as justice.

One other point before I close. I asked the governor what he proposed and he frankly said, "A commission;" that is, that the President shall nominate and the Senate confirm a lot of men to go to Utah and make laws for the people of that Territory, as to their local affairs, the governor to be the head, and I suppose to exercise as now the absolute veto power.

And how long do you propose to have this continue? I ventured to inquire, and again he promptly answered, "Until the anti-Mormons are in the majority."

And how long would that require? I asked. He replied, "Probably five or ten years;" but that was a guess. All this from the governor of that Territory, sent there by the Government as the chief executive. Now I have simply to say that anything more anti-republican than

this, more out of harmony with the long-established methods of this Government as to the Territories, can not be conceived. These declarations of the governor are made without pointing to any act of the people through their legislature inimical to good government. The laws for that Territory that have been made for its local affairs have been just, wise, and humane. They are in harmony with the Federal laws.

I concede that Congress has power to make all needful rules and regulations respecting the Territories, and I concede that Congress, speaking in general, is the judge of what is needful. But it is not needful to do this until it appears that the legislature chosen by the people have failed to enact such laws as are essential to the protection of life, liberty, and property, and to promote generally the interests and welfare of the people. There has been no such failure.

It is a proposition that has no support in any misgovernment by the people of themselves, but upon the fact only that the minority believe differently from the majority.

It is an indirect way of making the minority rule as to local affairs. It is utterly out of harmony with the principles of our Government.

This is not, I concede, exactly germane to the question before you, but it is an incident that I have thought it not improper thus briefly to refer to, as it was advocated here by the governor.

And now, gentlemen, my argument, if argument it be, is done.

In the vigor, zeal, and enthusiasm of early manhood there is a pleasure even in the strifes and struggles of life, but advancing years give us pause. We come to understand after a while that men may honestly differ, and that seemingly irreconcilable differences, by the exercise of a little Christian charity, may be reconciled without any compromise of principle; that it often happens that men differ because they do not understand each other; that sometimes they are enemies when there is no reason why they should not be friends. When I look over the condition of affairs in Utah and see a population of 210,000 people of intelligence, composed of adherents of every Christian denomination, surrounded by wealth, luxury, and every other incident of civilization, which by their own energy and thrift they have created, occupying a Territory unsurpassed in beauty, salubrity of climate, and resources, it is to me amazing that they do not come together with a request to Congress to give to them what of right belongs to them, the dignity of a State, a voice in national affairs, and the control of such as are local to themselves. But it is not so, and that it is not so is no fault of the proponents of this constitution.

I beg you to remember that these proponents constitute three-fourths of the people of that Territory. I beg you to remember that they invited the other one-fourth to unite with them in making it. I beg you to remember that it is this one-fourth that is standing here in resistance. I beg you to not forget that they offer no word of criticism upon any provision in that constitution; that by their silence they admit what I have claimed for it, that it is the equal of any that has ever been framed for any State.

I beg you to remember that the framers of that constitution are men, and are representative men, who have never offended against public sentiment by any polygamous act, and that all that can be urged against them is a *belief* that a man may, without sin, enter into polygamy *where the laws of the State do not forbid*; and a bare suspicion that they are not acting in good faith.

I beg you not to forget that they tender to you and to the country an irrevocable law, requiring the enactment of no statute to give it

active life by which polygamy is prohibited forever; and with these suggestions I leave the fate of this application in your keeping.

As the shadows lengthen we all become more and more impressed that the part we play in the great drama of human affairs is but a contribution aiding or retarding the progress of mankind; and that after all the richest legacy we can leave behind is a record of duty, as we are permitted to see it, faithfully and fearlessly performed.

In the very near past I have witnessed death

"With his sickle keen
Gather the bearded grain at a breath,
And the flowers that grow between."

Thus additionally admonished, I have tried to perform my duty as an advocate in this matter, prompted, restrained, and guided, I trust, in what I have said by the dictates of conscientious conviction.

And you, having in your keeping the honor and the future of the nation, and the welfare of the people of Utah, conscious that the act you do or omit will stand of record to be judged as to its wisdom, need no admonition from me.

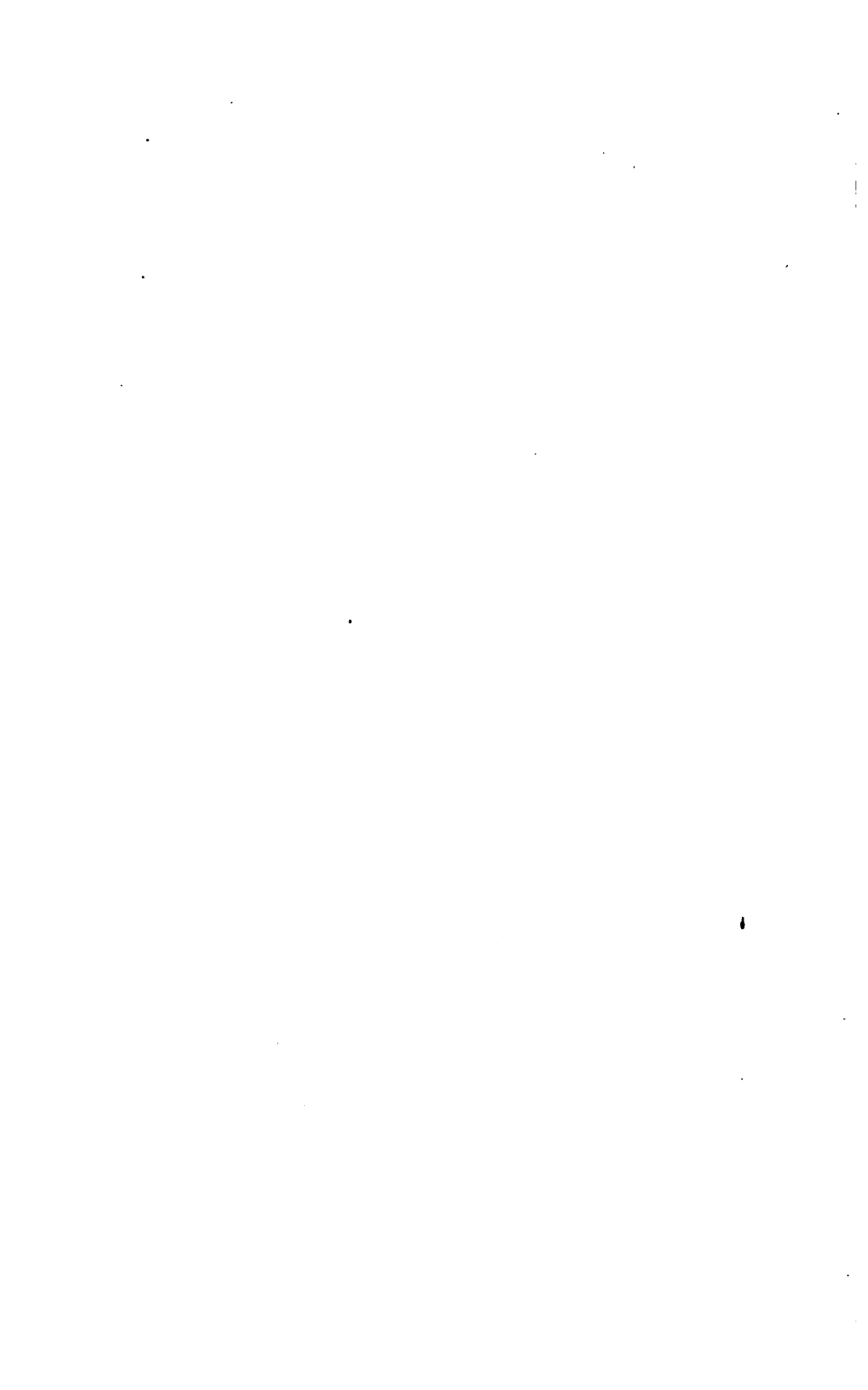
I can only hope that what has been said in this discussion will aid you in reaching a just conclusion, and I shall never cease to regret it if I have said anything inconsistent with truth and fair argument or unworthy the subject and this presence.

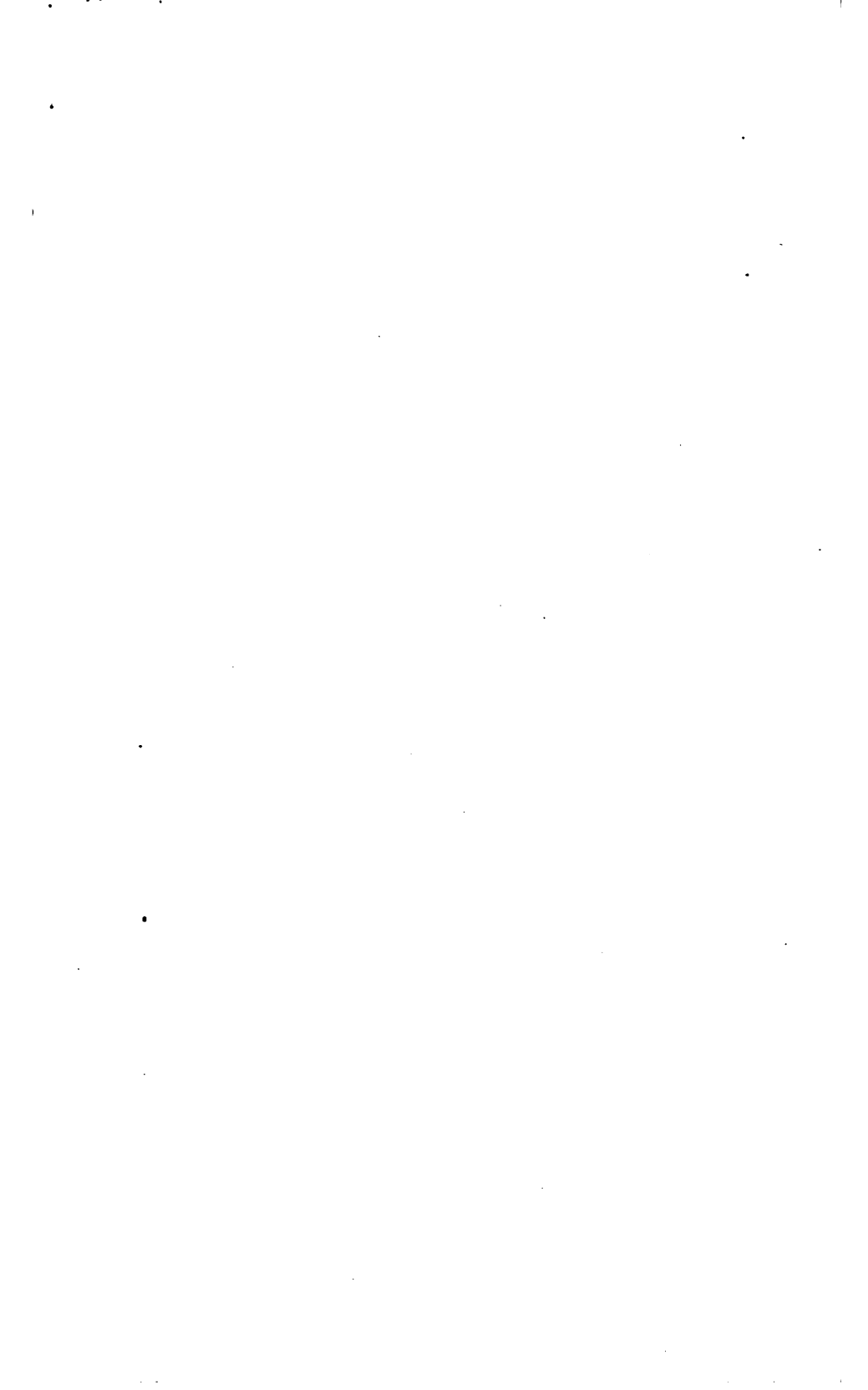
I thank you for your patient hearing and the kind courtesy extended to me.

The hearing here closed.

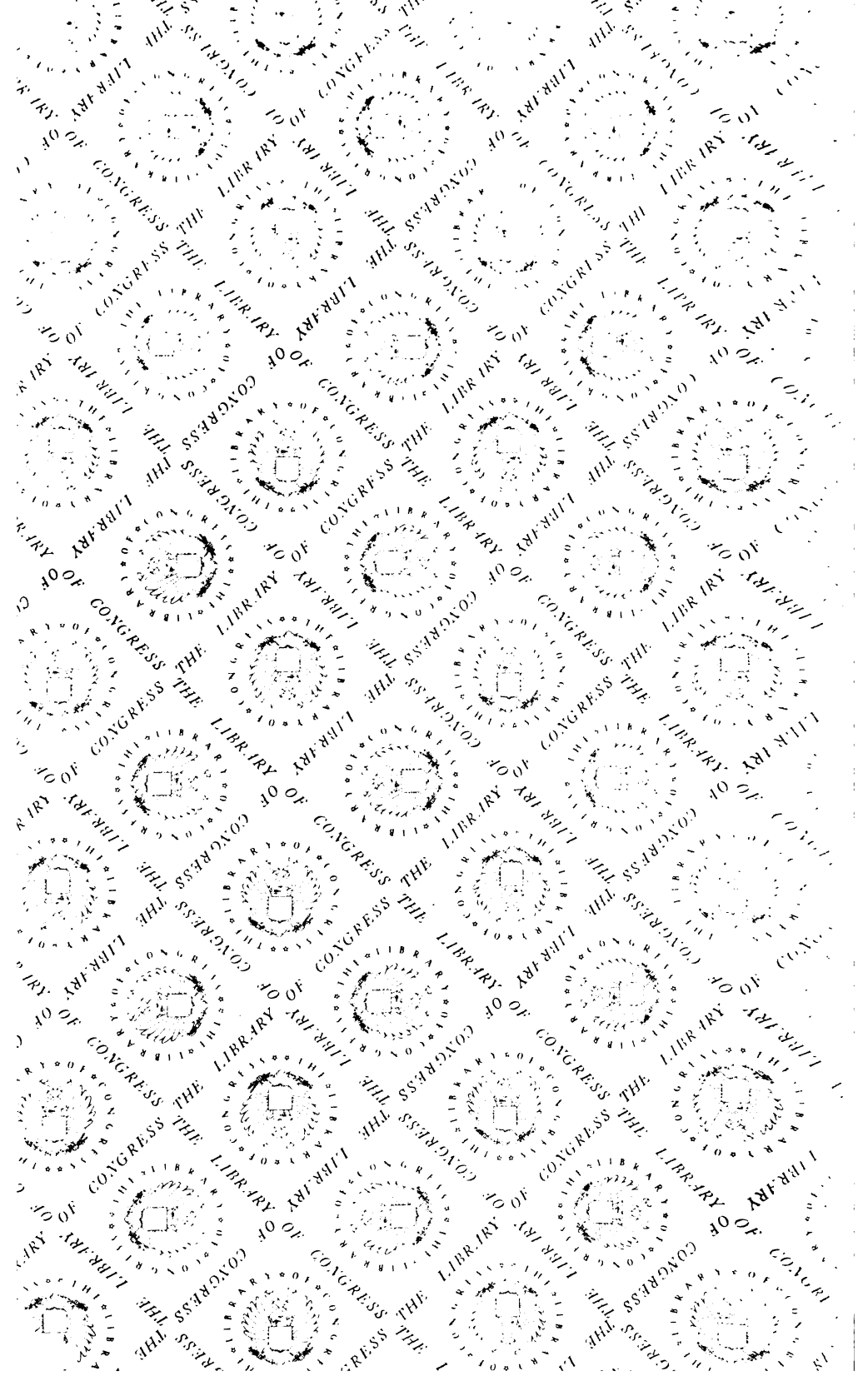
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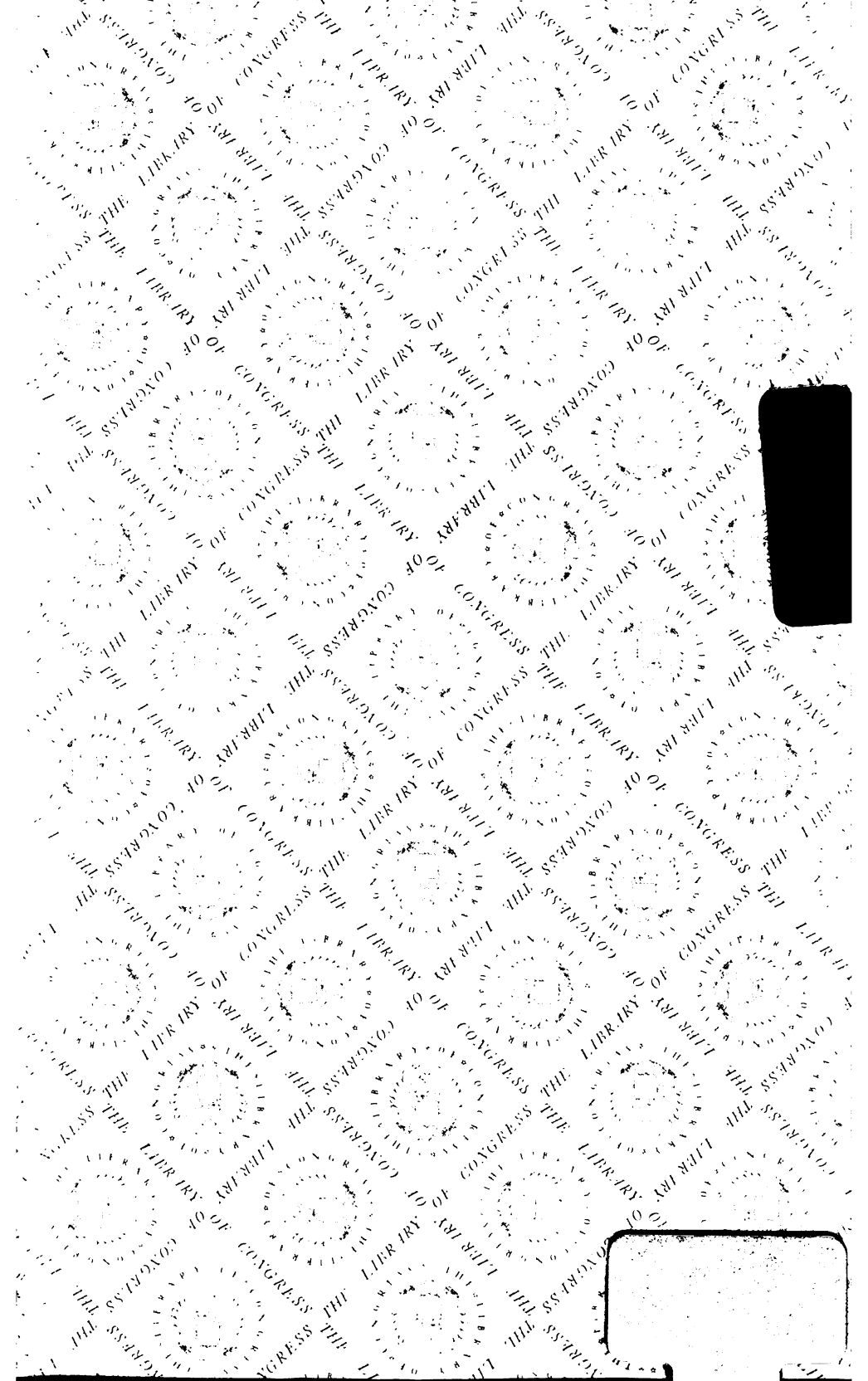
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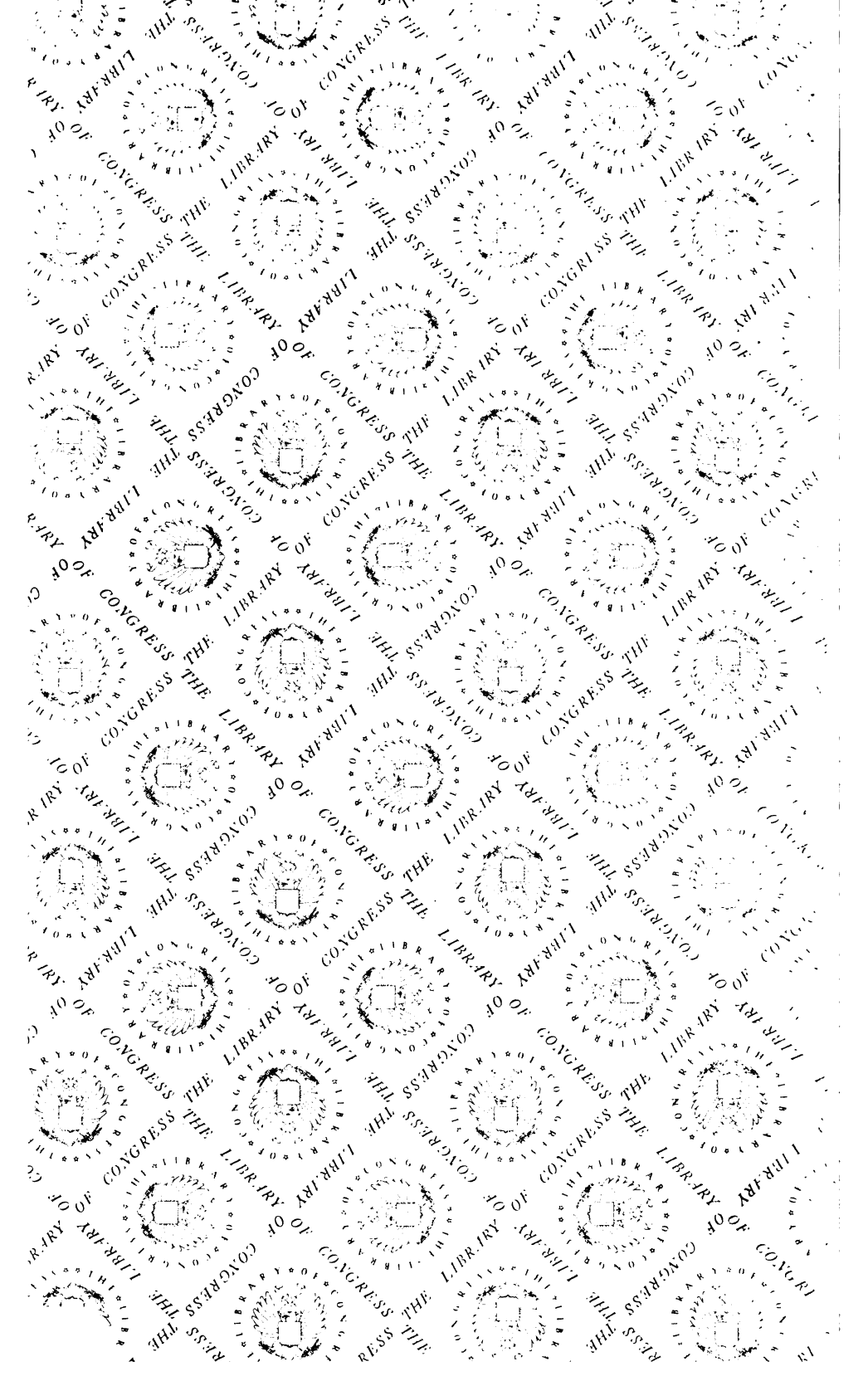


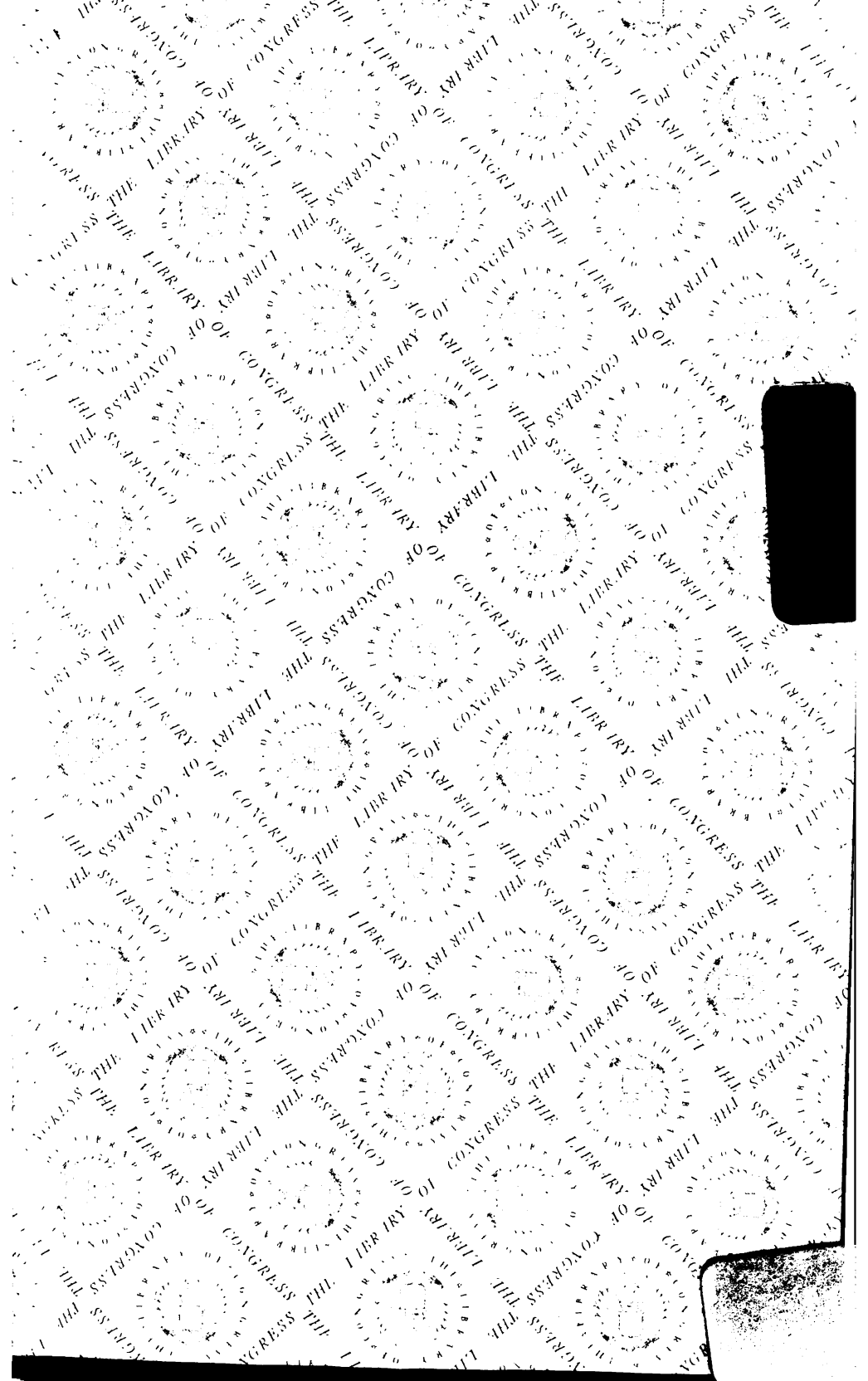












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